

PARAGUAYAN
INVESTIGATION.

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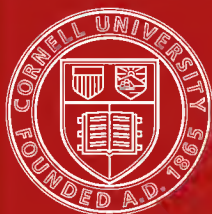
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REPORT

U.S. Congress House

OF THE

COMMITTEE ON FOREIGN AFFAIRS,

ON THE

MEMORIAL OF PORTER C. BLISS

AND

GEORGE F. MASTERMAN,

IN

RELATION TO THEIR IMPRISONMENT IN PARAGUAY.

HOUSE OF REPRESENTATIVES, MAY 5, 1870.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1870.

U.S. Congress. House. Committee on foreign affairs.

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PARAGUAYAN INVESTIGATION.

MAY 5, 1870.—Ordered to be printed and recommitted to the Committee on Foreign Affairs.

Mr. ORTH, from the Committee on Foreign Affairs, made the following

REPORT.

The Committee on Foreign Affairs, to whom was referred "the memorial of Porter C. Bliss and George F. Masterman, in relation to their imprisonment in Paraguay by the President of that republic, and subsequently on the United States gunboat Wasp and the flagship Guerriere, of the South Atlantic squadron, by United States officers," beg leave to report:

That, in pursuance of the authority conferred upon them by the resolution of the House, of March 19, 1869, directing them "to inquire into all the circumstances relating to the alleged imprisonment of said Bliss and Masterman, and into the conduct of the late American minister to Paraguay, and of the officers commanding the South Atlantic squadron since the breaking out of the Paraguayan war," they commenced the examination of witnesses, at Washington City, on the 30th day of March, 1869, and continued such examination until all the testimony that could then be conveniently procured had been taken; that finding it necessary to bring before them witnesses then absent from the United States on duty with the South Atlantic squadron, a sub-committee was appointed to take further testimony whenever the attendance of the remaining witnesses could be procured. A recess was then taken until the 21st of October, at which time Messrs. Orth, Wilkinson, Swann, and Willard, members of the sub-committee, met at New York City and resumed the examination of witnesses at that point. Subsequent sessions were held in Washington City, at which place the examination of witnesses was concluded. The testimony thus taken, covering all the points named in the resolution of the House, accompanies this report. The committee will state with reference to this testimony that much of it is of a conflicting character, and reveals a feeling of bitterness and animosity between different officers of the navy, and between the naval and diplomatic officers of the government, connected with the matters under investigation, not creditable to the parties concerned, and subversive of that efficiency in the public service which the government has a right to expect from its officials.

In discharging their duty the committee have allowed to the parties implicated, the utmost latitude in eliciting all the facts which might in any manner be relevant to the points at issue; have endeavored to reconcile, wherever practicable, all conflicting testimony, and to arrive at their conclusions uninfluenced by the feelings or prejudices of those whose official conduct has been the subject of this investigation.

As the committee accompany this report with all the testimony brought before them, they deem it necessary only to present a summary of the most prominent facts in the case.

In the month of June, 1861, Charles A. Washburn, esq., was appointed by the United States its minister resident to the republic of Paraguay, and proceeded soon thereafter to the government to which he was accredited and entered upon the discharge of his official duties. He remained at Asuncion, the capital of Paraguay, discharging his duties to the entire satisfaction of both governments until January, 1865, when, in pursuance of leave of absence previously obtained from our government, he returned to the United States.

On the expiration of his leave of absence, early in September of the same year, he left the United States, accompanied by his wife, to return to his post at Asuncion. Some time in March or April, 1865, and after Mr. Washburn had left Paraguay, a war broke out between Paraguay, on the one hand, and Brazil, Uruguay, and the Argentine Confederation, known as the "allied forces," on the other hand.

On Mr. Washburn's arrival at Rio early in October, 1865, he ascertained that in consequence of such war, and the blockade of the allies in the Plata, all ordinary communication with Paraguay was cut off, and that he could not, in all probability, reach Asuncion without the aid of some vessel or vessels belonging to our South Atlantic squadron.

On the 21st of June, 1865, Admiral Godon assumed command of this squadron—consisting of the following vessels, *Susquehanna*, (the flag-ship,) *Juniata*, *Nipsic*, *Shawmut*, *Wasp*, and *Shamokin*—which was kept in the distant waters of the South Atlantic Ocean at a heavy expense to the government, for the purpose of watching over and protecting all American interests and sustaining the honor and dignity of the national flag.

It was the duty of Mr. Washburn to proceed to his destination without unreasonable delay, and this duty was not rendered less imperative by the fact that the nation to which he was accredited was engaged in war, in the progress or result of which, our government might have interests requiring his attention. Fully appreciating this, he lost no time after his arrival in Rio in calling upon Admiral Godon and requesting of him the use of some vessel of his squadron to enable him to reach Asuncion. The committee have no doubt as to the propriety of this request. The various departments of our government, while in a measure independent of each other, are nevertheless parts of one general system. Although attached to the different branches of the public service, they are officers of the United States, and, as such, under obligations to discharge their duties in such manner as shall best promote the public harmony and efficiency. The officers of one department are under obligations to render such assistance to the officers of any other department as will facilitate and render effective the public service, when such assistance can be rendered without interfering with specific orders or more pressing duties. Applying these positions to the case under consideration, we hold that it was the duty of Admiral Godon to furnish the requisite transportation to Mr. Washburn, provided he could do so without an interference with, or violation of, express orders from his department.

The evidence discloses how the admiral received and treated this request of Mr. Washburn, the commencement of their differences being thus detailed in Mr. Washburn's testimony:

I started again in September from New York to go back with my wife, and reached Rio Janeiro, I think, the 27th of September, or, at any rate, near the 1st of October.

I saw Admiral Godon the same day. He was then stationed at Rio. I was on board his flag-ship. I had a great deal of conversation with him at different times in regard to the situation of affairs, and from other sources learned that in all probability I should not be able to get up to Paraguay without the aid of a gunboat; that all communication otherwise had been stopped. Admiral Godon remarked that he had no suitable vessel to send up the river, but that the steamer Wasp was expected very shortly; in the meanwhile he said he was going down to St. Catharines, which is four hundred miles down the coast.

* * * * *

I remained at Rio waiting for the Wasp to come, in order to ascertain about what time she might be expected at the mouth of the river, and when I could calculate upon being able to leave and go up to Paraguay. I waited there accordingly until the admiral had gone down to St. Catharines and returned. In the meantime, while he was absent I think, the Wasp arrived, and as he said she must have some improvements or repairs made upon her that would take some time, I took the first steamer after her arrival, according to my recollection, and went down to Buenos Ayres. I took an inferior steamer because I had been delayed there longer than I expected. The admiral told me before I left that he should soon follow, in ten or twelve days at least. I arrived at Buenos Ayres on the 4th of November, and it was about Christmas before I heard of the admiral's arrival at Montevideo.

This manifest indifference on the part of Admiral Godon to the reasonable request of an American minister continued for a considerable period of time, and finally resulted in excuses which soon became as numerous as they were frivolous.

Among the earliest of the reasons assigned was the want of sufficient fuel for the vessel which might be detailed on this service, and his inability to procure it.

That this was a mere subterfuge, appears most conclusively by the testimony of the following witnesses.

Captain Crosby of the "Shamokin" testifies as follows :

By Mr. ORTH :

Question. Did you have plenty of fuel?—Answer. I had.

Q. Where did you get it?—A. I filled up with coal at Buenos Ayres before starting, and replenished at Rosario, about three hundred miles distant. The squadron obtained fuel at Rosario. I could also have obtained coal at Corrientes, and at Parana.

Q. Did you accompany the admiral in his visit to Urquiza?—A. I did not.

Q. Where were you at that time?—A. I was either at Montevideo or Buenos Ayres, I do not remember which.

Q. You knew of this visit?—A. I remember his making a visit at that time. I remember Mr. Kirk speaking to me about it.

By the CHAIRMAN :

Q. Where was the general depot of coal for the South Atlantic squadron?—A. At Rio Janeiro. I also purchased coal at Montevideo and Buenos Ayres. Montevideo is a coaling port where there is always a large supply on hand, and where the United States vessels got their supply when in the river. I also purchased coal at Rosario, three hundred miles up the river, and at Corrientes when I was at that port.

Q. How much additional coal would it have required to have taken your vessel up the river more than to have lain still?—A. I consumed no coal while lying still, except for condensing water.

Q. What would be the consumption of coal for such a trip?—A. I consumed about two hundred tons from going up and down.

Q. What did you have to pay for the coal there?—A. Nineteen dollars per ton at Corrientes. I have obtained coal at Montevideo for about \$13. I have purchased coal at Buenos Ayres at various prices, ranging from \$19 to \$30 per ton. At Montevideo I could have got the coal at \$13 a ton, which was only one hundred miles distant and would have filled up fairly, but my orders were to fill up at Buenos Ayres; \$13 is the regular price for supplying United States vessels by the coal agents at Montevideo.

By Mr. WILLARD :

Q. Which consumed the most coal, the Wasp or the Shamokin?—A. The Shamokin.

Q. How much more?—A. I might safely say fifty tons more for the trip.

Q. Was there any expense attending your trip except that of fuel?—A. None other.

Q. If you had received at any time a direct order to facilitate Mr. Washburn on his way to Paraguay, would the want of coal be any obstacle in the way?—A. Not the slightest; I had no trouble at all about coal. At times coal was scarce up the river,

but I never thought of that as a serious objection. Montevideo is the general depot for coal. There is always a large supply of coal there. I have here a letter among the papers appended to this statement, written in Buenos Ayres, one hundred miles off, on that subject. At any time within a couple of weeks at the farthest, you could get all the coal you might wish at Buenos Ayres.

Q. So you considered that excuse as amounting to nothing?—A. Nothing at all.

Captain Patterson testifies :

There was about one thousand tons of anthracite coal at St. Catharine's belonging to our government.

There was a very large depot of coal at Montevideo.

Mr. Washburn also testifies in reference to the supply of coal as follows :

By MR. ORTH :

Question. What do you know, of your own personal knowledge, in reference to the supply of coal at Montevideo, and in points on the Paraguay or Uruguay Rivers?—Answer. I have been up and down the river a great many times from Paraguay. There was always a large quantity of coal at Montevideo; as much so, according to my belief, as there is at Brooklyn, Philadelphia, or Boston. It is the intention of the coal-dealers there to keep a supply equal to any emergency. Sometimes the supply becomes short, but it is only for a few days. There is coal in abundance at Buenos Ayres, at Montevideo, and then at Rosario, three hundred miles above Buenos Ayres, there is always coal. I think I never passed Rosario in a steamer (and I have passed it fifteen or twenty times) that the steamer did not take in coal there; I do not remember of there ever being any scarcity. The supply there was, I think, of English coal. At Parana, about one hundred and fifty miles above Rosario, there is another coal station; and there is still another point between that and Corrientes.

Pending the controversy in reference to the supply of coal, which had become publicly known to the people of Buenos Ayres and Montevideo, causing remarks not at all flattering to our government, an American citizen residing in Buenos Ayres, Mr. Samuel P. Hale, desirous of removing the admiral's excuse, and enabling our minister to reach his destination, "asked the admiral if he would send Mr. Washburn to Paraguay if American citizens there would furnish the coal," and the admiral's reason for non-compliance then was "that he did not wish to send a vessel, because the men would suffer from the climate." The evidence discloses that there was as little reliance to be placed in this as in the alleged trouble in reference to fuel. Mr. Kirk, our minister resident at the Argentine Republic, testifies that, at the time the admiral made this excuse, "it was in the winter season and not the unhealthy season of the year;" that he "knew several men connected with the fleet wanted to go up to Asuncion—were anxious to go; that Captain Walker and Captain Wells were both anxious to go up."

Notwithstanding the scarcity of coal, which the admiral alleged as an excuse for thus preventing Mr. Washburn's early departure, he, on a very slight pretext undertook a voyage which probably consumed more coal than was necessary to place Mr. Washburn at Asuncion. The admiral relates this in his own testimony as follows :

By MR. ORTH :

Question. When you previously went to St. Catharines, what was your object?—Answer. I went to look after some coal, to exercise, and for one other thing, which I will state. Admiral Bell was expected daily at Rio. He was my senior in lineal rank, but I had been promoted in advance of him. I carried a blue flag, and under the regulations I should have been obliged to wear my blue flag in his presence, and he to wear the red, although he was my senior. I thought that that would not be agreeable to him, and that there might be some little contention about it; and to avoid any naval complication of that kind between officers, I sailed from Rio, and did avoid it. When Admiral Bell was afterward promoted for war services, he took his proper place, and was placed above me.

By MR. SHELDON :

Q. It was out of courtesy to his feelings?—A. Entirely so. I knew the sensitiveness in regard to this matter of rank. I was on my own station, and did not want to haul down my flag in violation of the regulations, nor did my officers wish me to do so. It was a matter of naval delicacy.

On another occasion the admiral performed a "pleasure trip" that consumed more time and coal than were required of him by Mr. Washburn. The circumstances were these: General Urquiza, formerly president of the Argentine Republic, resided in the interior of the country distant several hundred miles from Buenos Ayres. Admiral Godon informed this committee that he felt "that it was his *duty* to pay his respects to him." Urquiza, though a man of wealth and importance, was at that time in private life and "reported as hostile to the Argentine government." Our government then was, and still is, on the most friendly terms with the Argentine Republic, and represented then, as now, by our minister resident, Mr. Kirk. So soon as Mr. Kirk was informed of the admiral's intention to make this visit to Urquiza, he remonstrated with him, stating, among other things, "that the relations existing between the United States and the Argentine government being friendly, I thought such a visit would be interpreted by that government as unfriendly in its nature, and I thought he ought not to make the visit."

Mr. Kirk adds further:

He expressed, seemingly with some feeling, the opinion that he was under no obligations to me. I told him I was quite aware that I had no right to control his movements, but that I thought when a minister had resided for several years in a place, that an admiral coming to that place could properly consult the minister in regard to any such movement; that the minister would be more likely to know the condition of affairs and to judge of the effects of a particular line of policy than a man who had just come to the country.

Admiral Godon, in his testimony, thus alludes to this matter:

Mr. Kirk did not want me to go and visit Urquiza, who was an influential man, but not holding a position in the government. I thought that Urquiza would be the great man of the country, and that there was no reason why I should not go and see a man of his immense influence. But Mr. Kirk seemed to think it would not be pleasant and agreeable to the government, and wrote me a note to that effect. I differed from him entirely, and I wrote an answer, in which I stated that I guessed he (Kirk) would find that I scarcely needed a dry nurse. I did not go because of this little mishap. But I afterwards did go and have an interview with him, as I felt that it was my duty to pay my respects to him.

That this excuse of an "insufficiency of coal" was a mere evasion of the admiral, is furthermore apparent from his own testimony, viz:

By Mr. ORTH:

Q. You say that no coal was to be had on the river except from the Brazilian squadron. Were there not private coal stations at Rosario, Parana, and Corrientes?—A. I do not know that there were; I know nothing at all about them.

Q. You allege the expense of the coal as a reason for not sending Mr. Washburn up?—A. One of the reasons.

Q. As a reason, not the only reason. Was any proposition ever made to you by any private person to furnish the coal gratuitously?—If so, what was your reply?—A. Yes, sir, there was. After I had settled in my mind that I could not go, Mr. Hale, one of the oldest merchants in Buenos Ayres, came to see me. He is an American, and a very respectable man. He mentioned that if that were the only difficulty in my way, he would furnish coal to go to Corrientes. I replied, "Mr. Hale, if it is necessary and proper to send Mr. Washburn to Corrientes, I will burn all the coal in my squadron. But as there is no interest in the matter, I do not see why I should burn any coal to send him up there."

The question of the necessity and propriety of sending Mr. Washburn to Paraguay was not one which the admiral was called upon to discuss. That question had been settled by the government, in the appointment of Mr. Washburn.

Finding the excuses of "want of fuel" and the "unhealthiness of the season" to be rather insufficient for the course he had adopted, the admiral sought another, in the "blockade of the river by the allies." He could not take upon himself "so grave a responsibility as would be in-

volved in forcing the blockade;" "it would be an act of war;" it "annoyed" him very much; true, it was "unfriendly" on the part of the "allies," but then he must "respect it;" and yet the sequel shows that this excuse was as groundless as the rest, and that the admiral did eventually "force the blockade," and pass Mr. Washburn "through the military lines" of the allies, all upon his own responsibility, and there was no war, nor the semblance of it, and no trouble anywhere but in his own imagination.

Let us review briefly this question of blockade by the allies.

Our government has at all times occupied a position of strict neutrality toward all the parties involved in this unfortunate and desolating war, then and still existing between the governments of Paraguay and the allies; and at the date of these transactions had diplomatic representatives accredited to each of said governments. Occupying this attitude, we had a right to expect and, if necessary, to exact from each of said governments the consideration due to such friendly and neutral position.

The right of embassy is regarded by all civilized nations as sacred and inviolable; it is the means which enables them to hold communion with each other, and hence all are interested in maintaining it.

This includes, of course, the right of "innocent passage" of a minister over the territory of another nation on his way to the government to which he is accredited, and this right of passage cannot with impunity be hindered or obstructed. These principles of public law are well known and recognized, and should be understood by those who at any time may be called upon to enforce them.

In addition to this right, existing by general law, we have a treaty with the Argentine Republic, ratified on the 30th of December, 1854, the sixth article of which provides:

If it should happen (which God forbid) that war should break out between any of the states, republics, or provinces, of the river Plata or its confluent, the *navigation of the rivers Parana and Uruguay shall remain free to the merchant flag of all nations, excepting in what may relate to munitions of war, such as arms of all kinds, gunpowder, lead, and cannon balls.*

As already stated, we had our diplomatic representatives accredited to and present at the governments of Brazil, Uruguay, and the Argentine Republic, at the date of these transactions, and also prior thereto at the government of Paraguay. Our minister at the latter government had left his position temporarily, with the assent of his government, and was now seeking to return.

The allies, composed of Brazil, Uruguay, and the Argentine Republic, under these circumstances, had no right or pretense of right to offer any hinderance, obstruction, or delay to our minister in his efforts to return over their territory to Asuncion.

The passage of an American vessel, with our minister to Paraguay on board, from Buenos Ayres or Montevideo, up the Plata and Paraguay Rivers to Asuncion, through the blockading squadron of the allies, could, under no state of circumstances, be considered a warlike or even unfriendly act; to offer any hinderance or obstruction to such passage would be both unfriendly and warlike.

The circumstances connected with the refusal of the allies to permit the passage of Mr. Washburn to Asuncion are fully and minutely detailed in the evidence accompanying this report.

The motive of the allies in this matter is very apparent. They were at war with Paraguay, and believed the return of Mr. Washburn to Asuncion would afford moral support to the Paraguayans, by giving

them assurance that in their unequal struggle with the allies they had not been utterly abandoned.

These and probably other reasons actuated the allies, and they must have been much gratified as well as strengthened in their course when they found that Admiral Godon coincided with their views, and held that they had a right thus to impede the passage of our minister.

The admiral testifies very fully on this branch of the investigation, maintaining the legality of the blockade, and his desire to respect it. He said:

I had no interest in breaking that blockade, or do anything that might involve a question of war with the United States; and I left with the full determination that I would not break that blockade.

Again:

I said to Admiral Tamandaré that when that blockade is established at Tres Bocas I will acknowledge it. I told him (Octaviana, the Brazilian minister) I would acknowledge that blockade; that I could not resist it; and I told him more: that whatever part he conquered I would acknowledge the blockade there, but that he must conquer it. But I did not claim the right to have Mr. Washburn go through.

Again the admiral says:

By Mr. WILKINSON:

Question. Did you or did you not think that the government of the United States had no interests that required Mr. Washburn to go up there at all; did you entertain that idea?—Answer. I knew that there were no American interests there at all, nor any mercantile interests, so far as the American merchants were concerned.

Q. Did that knowledge influence your action at all in this matter?—A. Very much, in connection with the blockade; that was the point in my mind.

Q. Did you think, as a naval officer, it was your business to judge whether the United States government had interests there that made it necessary for Mr. Washburn to proceed there?—A. Yes; I knew there were no interests there.

Q. But the government having appointed Mr. Washburn minister to Paraguay, and he having reached your squadron on his way there, did you regard it as your province as a naval officer to say whether it was necessary that he should go up there, or not, as an accredited minister of the United States?—A. No, sir.

Q. Would you not think it was Mr. Washburn's province to determine that question, whether it was necessary for him to go up, or not, rather than the admiral's?—A. I think so; yes, sir.

Q. Yet I see by the testimony of Governor Kirk that you gave as a reason for your course that you did not think it was necessary that the United States should have any minister up there?—A. I had the view that it was my business to judge about taking him, not about his going there. I had nothing to do with his going there.

Q. If you had, in your official capacity, thought it was necessary for the interests of the United States that he should be taken up there, would you have regarded it as your duty to have detailed a vessel for the purpose of taking him up there, and even to have broken the blockade, if necessary, that the government should have a minister there; would you have detailed a vessel to help him through?—A. I would not have broken a blockade because there might be particular interests there, without I knew what those interests were.

Q. But if you had regarded it for the interests of the United States?—A. I could not have broken the blockade under those circumstances. It involved a great many questions. I should have been very careful about taking action unless my mind was very clear that the interests were equal to bringing on a war.

These were the views of the admiral and the allies in reference to this blockade.

They were not approved by our government, but, on the contrary, most emphatically and peremptorily repudiated, as appears by the following dispatches of the then Secretary of State, Mr. Seward. On the 16th of April, 1866, Mr. Seward wrote to Mr. Washburn as follows:

DEPARTMENT OF STATE,
Washington, April 16, 1866.

SIR: Your dispatch of the 8th of February last has been received. I thank you for the very interesting information which it gives concerning the military situation in the war between the several allied powers and the republic of Paraguay.

The President is surprised to learn that you have been hindered and delayed in the

military lines of the allies on your return to Asuncion. That delay is inconvenient and is deemed not altogether courteous. The President desires to regard it as a not unfriendly proceeding.

Should the hindrance still continue, you will address yourself at once to the commander of the allied forces and to the president of the Argentine Republic. You will inform them that you are proceeding as resident minister for the United States at Asuncion; that you are charged with no duties that are inconsistent with the neutrality which the United States has maintained in the war in which the allies are engaged with Paraguay. You will ask them, in the name of this government, to give you, together with your family and domestics, safe conduct through their military lines. Should the hindrance not cease within a reasonable time, you will then deliver a copy of these instructions, together with a copy of the accompanying letter of instructions from the Secretary of the Navy to Admiral Godon, and will proceed in such vessel, under such convoy as he shall furnish, to the place of your destination.

I am, sir, &c.,

WILLIAM H. SEWARD.

On the 26th of April, 1866, Mr. Seward wrote to Mr. Kirk as follows:

We sincerely hope to learn that the president of the Argentine Republic has neither ordered nor approved of this hindrance to the passage of the diplomatic representative of the United States, *so disrespectful in itself and so entirely inconsistent with the law of nations*. You will bring the subject to the notice of the Argentine Republic, and ask an explanation.

On the 27th of June, 1866, Mr. Seward wrote to Mr. Webb, our minister at Rio, as follows:

Nevertheless, the sovereignty and honor of the United States will admit of no hesitation or delay in the matter. Mr. Washburn is, therefore, now instructed to return at once to the United States if the hindrance before alluded to shall not have ceased through some proceedings of the governments concerned.

In the case that you shall not have put into execution the instructions, &c., and shall not have received the satisfactory explanation which you were instructed to ask of the government of Brazil, you will now demand such explanations peremptorily. If this shall not be given to you within six or eight days, you will ask for your passports to return to the United States.

And again, writing to Mr. Webb on the 23d September, 1866, Mr. Seward says:

So far from considering the question of the right of Mr. Washburn to proceed to his destination as debateable, the United States cannot consent to argue that question.

Following the spirit of these dispatches, and in maintenance of this dignified position of our government, the Secretary of the Navy, on the 26th of April, 1866, instructed Admiral Godon as follows:

You will, therefore, in the event of a refusal on the part of the allied authorities to permit him to reach the government to which he is accredited, (which refusal, however, is not anticipated,) furnish him with the necessary facilities for that purpose.

In the meantime the admiral commenced getting ready to ascend the river. On the 21st of July, 1866, he ordered Captain Crosby, of the Shamokin, to "fill up with coal and provisions immediately, and hold yourself in readiness for service up the river." On the 16th of August the admiral was informed that the Shamokin was ready. On the 26th of August Captain Crosby informed the admiral that "the United States minister at Paraguay is at this place, (Buenos Ayres,) expecting to go up the river in this vessel." Captain Crosby testifies that his purpose in thus informing the admiral was to ascertain whether Mr. Washburn was to be sent in the Shamokin, and if so, he (Captain Crosby) desired "to prepare accommodations," &c.

To this information, the admiral briefly replies, "continue to hold yourself in readiness to sail immediately on the receipt of orders to do so." Captain Crosby, therefore, determined "to await patiently for orders."

Subsequently, on the 5th of October, 1866, the admiral ordered Captain Crosby as follows:

On application, in writing, from our minister resident in Paraguay, Mr. Washburn

to whom I have written this day, you will proceed with him and his family, in the Shamokin, under you command, to Paraguay, and land him in Asuncion.

In connection with this order it may not be improper to state that the admiral, three days thereafter, to wit, on the 8th of October, 1866, sent the following letter to Captain Crosby :

Private.]

U. S. S. BROOKLYN,
Rio de Janeiro, October 8, 1866.

MY DEAR CAPT.: I have sent you an order to take Mr. Washburn and his family up to Asuncion. It will be as well that you should know how matters stand. I had declined to take, or rather have Mr. W. taken to Asuncion some time ago. The Navy Department app'd of my course. Since then the refusal of the allies to give to Mr. W. free pass through the military lines has annoyed the gover't at home, and they—that is the State Depart—have directed him to write to the Argentine gov't and com'r-in-chief of the allied armies and demand a free pass through the lines; if this was refused *again*, I was to take Mr. Wash'n up in a man-of-war. Presuming Mr. W. has applied as directed, I have written him to inform him of my order to you and to tell him to apply to you in writing. At all events, it is proper now that Mr. W. should go to his post, and the Secretary of State *desires* it. Mr. W. will, if he pleases, show you a copy of my orders from the Secretary of the Navy. I am not *required* to send him up if a *free pass* is given him, and it is known that orders have been sent from here *not* to obstruct his passage; but I think it is proper he should go in a vessel of war, *any how*, now; a *protest* by the blockade need not be regarded—nothing but absolute force should prevent you; however, if the river is *too low*, then you cannot go up *now*. Go as high as you can and wait till the waters rise. *Rosario* would be a good place to remain at till you can go up. The Wasp does not carry coal enough to go and return. Mr. Washburn must pay his own expenses. I do not feel much confidence in Mr. W.'s judgment as an international lawyer, or as to his views in general. So follow your own common sense, which will be the safest way, I hope. When you reach Asuncion do all you can to make Mr. W.'s landing of consequence to him, and give him every attention. Get me a *dozen* of those *rings* made in Paraguay, marking *prices* on them—they are for others. Get me some of that Paraguay *cordial* or *caña*. I shall be down at the river about the 1st or 15th of next month. You can get *wood* to burn in your furnaces along the river if you have means to cut it. You know that the river gets hot, full of insects, and unhealthy later; so govern yourself accordingly.

Yours, very truly,

S. W. GODON.

Captain Crosby, in his testimony, speaking of this letter, says:

I also received a private note from Admiral Godon, which, I see in his letters to the honorable Secretary of the Navy, Mr. Welles, he mentions as a semi-official note, and says in it he directed me not to regard the protest that would be made by the Brazilian admiral in command of the forces up the Paraguay. The semi-official note mentioned in Admiral Godon's dispatches was not a semi-official note, but was a private note, and so considered by Admiral Godon at the time he wrote it, as he wrote upon it the word *private*, and merely directed to "My Dear Captain," and signed himself, "S. W. Godon," without even given his title. Here is the original note, which I considered as merely giving Rear-Admiral Godon's private views of matters, and did not consider it an order in any way, nor did I consider myself bound to obey his directions in that note, or that it relieved me from any responsibility, but left me to obey his orders to take Mr. Washburn and his family to Asuncion, on his application in writing, according to his order of October, 1866, and not to delay my journey; ignoring entirely in his official letter and order to me any difficulty or obstructions that I might encounter.

Yet in his private note, which he calls a semi-official note, he says to the Secretary of the Navy that a protest would be made, (see Admiral Godon's letter published, dated Montevideo, December 10, 1866, No. 132, Ex. Doc. No. 79,) and that he had instructed me to disregard it. Now, had Admiral Tamandaré opposed me, and had taken the responsibility of firing into the Shamokin, and had prevented me by force from going through the blockade, Admiral Godon's instructions to me were such as would have shielded him from the responsibility of my act, as he conveys the idea in his private note that he supposes instructions had been sent, and at the same time his orders were such as would not have saved me from his censure or that of the government, had I delayed my journey until I could hear from him, or learned that orders had been received from Admiral Tamandaré to allow the Shamokin to pass under protest.

Captain Crosby in pursuance of his orders, proceeded with Mr. Washburn on board the *Shamokin*, and landed him safely in Paraguay on the 5th of November, 1866, meeting with no hindrance or obstructions more formidable than a simple "protest" which Tamandaré, commanding the blockading squadron, felt it his duty to make in the absence of specific instructions from the allies.

Thus after a delay of over a year, for which there was in our opinion, no justifiable excuse on the part of Admiral Godon, Mr. Washburn was permitted to reach his destination.

During this investigation your committee have seen, with regret, the existence, among the officers of the South Atlantic squadron, of a feeling of extreme bitterness and malevolence, accompanied with acts of superciliousness and petty tyranny totally unworthy of their position, derogatory to our national character, and subversive of that efficiency in the naval service which can spring only from harmony and proper respect on all occasions. The necessity and justification of these remarks are to be found in the accompanying testimony.

In this connection we also feel compelled to advert to a feeling of disrespect exhibited by Admiral Godon towards our diplomatic representatives with whom he came in contact, and which probably furnishes the motive for his course in this matter.

Speaking of Mr. Kirk's suggestion, that it might be considered improper for the admiral to pay his visit contemplated to Urquiza, he remarks, "I differed from him entirely, and I wrote an answer in which I stated that I guessed he (Kirk) would find that I scarcely needed a *dry nurse*."

The following appears in the testimony of Captain Wells:

By Mr. WILKINSON:

Question. Did you ever hear him (Godon) use any discourteous or improper language in regard to Mr. Washburn?—Answer. Unless the committee insist upon it I would decline to answer the question.

By Mr. ORTH:

Q. Why do you decline?—A. Because he did make use of an expression such as no naval officer should make use of; and for the sake of the service I would prefer not to answer the question.

The committee insisting upon an answer, Captain Wells said: "It occurred at his (Godon's) dinner table. In speaking of Mr. Washburn he called him *damned son of a bitch*. I made no reply. I ate my dinner in silence and shortly afterward left." This occurred in December, 1866.

Captain Crosby testifies as follows:

By Mr. ORTH:

Question. How did he speak in your presence of American ministers as a general thing, favorably or unfavorably?—Answer. I could not state anything more on that point than to repeat what he says in his private note to me, which I have read. When he was asking me about paying Mr. Washburn's expenses, he remarked, "you seem to think a minister is of great importance."

Q. What was his manner in uttering these words?—A. He said them in a contemptuous way.

Mr. Kirk testifies as follows:

By Mr. ORTH:

Question. You remarked, did you not, that the refusal of Admiral Godon lessened the influence of Mr. Washburn?—Answer. It did in the city of Buenos Ayres, or lowered the character of all the representatives of our government. I made the application generally to all of us. It looked as if (and, in fact, he remarked) that we were merely the representatives of political friends.

Q. Did Admiral Godon make that statement?—A. He did; that these ministers were the mere representatives of political friends.

Mr. Washburn testifies as follows :

By Mr. SWANN :

Question. What motive could have influenced Admiral Godon ?—Answer. He wanted it impressed on everybody that he was the representative of the great republic, and that nobody else was of any importance whatever. He said so verbally in regard to United States ministers a good many times. He always spoke with the utmost contempt of all ministers of the United States; said that he was not responsible to them and did not care anything for them; that they were political humbugs and worn-out politicians, &c., who were sent out there to get rid of them. That he was admiral. His conduct was most ridiculous and scandalous.

Mr. Webb, in a dispatch to the State Department of date June 10, 1867, uses this language :

While I have taken no part in the controversy between Admiral Godon and Mr. Washburn, and have not permitted myself to express to either of them an approval or disapproval of their proceedings, I have a very clear conviction that if the admiral had heeded so disposed he could have sent Mr. Washburn to his post of duty shortly after his arrival in the river, without any interference on the part of the allies. But it appears that the admiral made it a matter of pride to ignore the rights and privileges of ministers and consuls, and has quarrelled with nearly all of them except myself; that is to say, with Ministers Kirk, Washburn, and Asboth, and with Consul Monroe, and one or two others; and I am sorry to add, that he has no friends among the officers of the squadron. With me he has never had one word of difference, but it is impossible to shut my eyes to the fact that the difficulties which have taken place and now exist on this coast between the admiral and the officers of the Department of State, and which are widely known and discreditable to our country, are mainly attributable to the admiral's meddling with what does not concern him. His own statement to me in regard to his difference with Mr. Asboth is an illustration of his mistaken conception of his rights and duties. In reply to my question why he did not permit General Asboth to go up the river in the United States vessel which took up letters and dispatches to Mr. Washburn, his answer was, that Mr. Asboth had no right to leave his legation without the assent of the State Department. I said that was true; but the minister was the only person to judge of his responsibility in so doing. He replied, "No; it was my right to demand of him whether he had authority from the State Department to leave; and because he did not produce such authority I would not permit him to go up in the steamer to have an interview with Washburn, which was quite unnecessary."

Then, again, in the admiral's quarrel with Consul Monroe, and his contemptuous treatment of him, he is altogether in the wrong; and, in my judgment, without any excuse whatever.

Such manifestations of feeling against our diplomatic representatives as a class by an American admiral are reprehensible, and we dismiss this part of our investigation with the single remark, that the duty to speak thus plainly of the conduct of Admiral Godon, in view of his high position and his public services, is not by any means pleasant or agreeable.

On Mr. Washburn's return to Asuncion he soon found that during his absence of nearly two years great changes had taken place in Paraguay. At the time of his departure the country was in the enjoyment of profound peace, and the people engaged in their usual avocations; on his return he found the country involved in a disastrous war; terror, alarm, and distrust prevailed on every side; industry paralyzed; the citizens denied their most precious rights, and all the resources and energies of the country pressed into the military service. Lopez, the "Marshal President of Paraguay," was entering upon that era of blood so indelibly impressed upon his subsequent career. He possessed absolute authority, and governed by his unrestrained will a country whose history presents a continued series of tyrannical exactions on the part of its rulers and of submissive obedience on the part of its people.

As the tyrant is ever the slave of jealousy and suspicion, it is natural to find that Lopez, in his imagination, saw himself constantly surrounded by enemies conspiring his overthrow.

This caused him to establish a system of espionage so general and so thorough that almost every citizen became a voluntary or involuntary informer. Torture was resorted to for the purpose of extorting confession of crimes or criminal intentions which never existed, and charges were fabricated by these means, which involved alike all who were subject to his unjust suspicions, including even those of his own blood.

The testimony shows that the victims of his cruelty are numbered not by teus but by hundreds.

Dr. Stewart, who resided for twelve years in Paraguay, and who occupied the position of inspector general of the hospitals and medical adviser of the Lopez family, having thus full opportunity of knowing that to which he testifies, states in his evidence the following :

I was an eye-witness of the horrible atrocities committed upon many hundreds of human beings who were accused of conspiracy. I saw them heavily laden with irons, and heard their cries and implorings to their torturers for mercy ; Lopez knew all that was going on.

Torture was almost indiscriminately applied, and those who survived its barbarities were put to death.

No fewer than eight hundred persons, comprising natives of nearly every country in the civilized world, were massacred during those terrible months of June and December, 1868.

* * * * *

The next relative whom Lopez seized was his own brother-in-law, Don Saturnino Bedoya, who, in July, 1868, was tortured to death by the *sepo-nruguayano*—a mode of torture correctly described in the published statements of Mr. Masterman and Mr. Bliss.

I saw Lopez's two brothers, Venancio and Benigno, in irons, and heard, from many witnesses of the butchery, that Benigno had been cruelly scourged and afterward executed in December, 1868.

General Barrios attempted suicide after the imprisonment of his noble wife, the sister of Lopez, but recovered, and was then laden with irons. I saw him professionally before his execution, and found him quite insane ; * * and had Mr. Washburn been thrown into prison, as was at one time suggested by Mrs. Lynch and by the late bishop of Paraguay, I am convinced that he would have been tortured and made away with like the other victims of Lopez.

The evidence submitted with this report fully corroborates the testimony of Dr. Stewart, and proves that cruelties have been practiced to such an extent that the sacred name of home and the blessings of civilization are almost unknown in Paraguay. That in the prosecution of the deplorable struggle in which that unhappy country has been involved for the last five years, old men, the youth of tender age, and in some instances even the gentler sex, have from time to time been ruthlessly swept into the constantly diminishing ranks of the army, until the country is almost depopulated.

In the absence of positive information on this subject, it is estimated by those who have had opportunities of judging, that the population of Paraguay at the commencement of this war was about six hundred thousand, which, in the short space of five years, has been reduced by disease, famine, war, and its attendant evils, to less than one hundred and fifty thousand persons, and this number consisting almost entirely of women and children.

The testimony and official correspondence state fully and succinctly the condition of affairs connected with our legation at Asuncion from the time of Mr. Washburn's return there in November, 1866, until his final departure in October, 1868, and show very conclusively that he could effect but little in his diplomatic capacity, or by his personal presence, in the way of protecting the rights or interests of the few Americans resident in Paraguay, or of any others who might apply to him for protection.

His continuance there was no longer pleasant to himself or useful to

the government. He was subjected to annoyances and indignities which soon culminated into open disrespect and contumely, derogatory to his official character and insulting to the honor of the nation he represented.

Among other things Lopez sought, by the basest means to implicate him in one of those imaginary conspiracies which appeared to haunt him, and even made this baseless charge the subject of diplomatic correspondence.

The committee do not deem it necessary to recapitulate the evidence connected with this matter, feeling fully satisfied that the inherent falsity and absurdity of the charge carries with it its own, and its strongest, refutation.

Mr. Washburn felt that he could no longer be useful to his government in the position he then occupied; that self-respect and the duty he owed to his government required that he should, so soon as practicable, close all further official intercourse with President Lopez, who had thus wantonly assailed him, and through him the government of the United States. In view of this state of affairs, and entertaining also serious apprehensions in reference to the future safety of himself and family, while at the mercy of one who had given such abundant evidence of his capacity for the commission of crime, he wisely concluded to close his official relations and retire from the country.

In doing so he was, however, prevented, by the interposition of a military force acting under the authority of Lopez, from bringing with him two of the members of his personal suite, Messrs. Bliss and Masterman, whose memorial has been presented to Congress, and is the basis of this investigation.

Porter Cornelius Bliss, one of the memorialists, is a native of the State of New York, and went to South America as the private secretary of James Watson Webb, minister of the United States at Brazil, in 1861. He remained at that point in this capacity until December, 1862, at which time he went to Buenos Ayres and entered the service of the Argentine government for the purpose of "obtaining information concerning the character, languages, wants, manners and customs, habits, and mode of life of the Indians" in the valley of the Vermejo. In January, 1865, he embarked for Paraguay for the purpose of making a classification of the Indian tribes of that region, as indicated by the languages or dialects spoken by them. While in Paraguay he was employed by the minister of foreign affairs of that government to write a pamphlet upon the subject of the boundaries between Paraguay and Brazil. While engaged in this work war was declared by Paraguay against the Argentine government, and by order of President Lopez no foreign subject was permitted to leave the country. Finding that he would be compelled to remain in the country for some time, he proposed to Lopez to write the history of the republic of Paraguay, commencing at the date of the settlement of that country, which proposition was accepted by Lopez and a stipulated price agreed upon. Mr. Bliss testifies:

I supposed myself to be in the employ of Lopez for a little more than a year; but at last Lopez, apparently dissatisfied with my progress in the work, and perhaps not liking the cautious way in which I spoke of other nations, he being eager that I should bring my history down to more modern times, and especially eager that I should write something which would be of use to him in the war, which I was as equally desirous to avoid, I was at last met with a refusal to supply me with any more money. This occurred near the middle of 1866, as near as I can remember. (Mr. Washburn arrived in the country the 2d of November, 1866.) And when finally I was met with a refusal to give me any more money, I considered myself as disengaged, and ceased to write any further. I had then brought my history down to about the year 1810, and during all

this time I had continued to be more or less an object of suspicion. The reason of that, I suppose, was that I had not met his anticipations in the history I had written.

Soon thereafter Mr. Bliss was engaged by Mr. Washburn to collect information to be used by him in his work on Paraguay.

On the 21st of February, 1868, the Paraguayan government ordered the evacuation of Asuncion, and declared that city a military post. At that time, at the request of Mr. Washburn, Mr. Bliss, who for some time previously had occupied the position of translator in his legation, took up his residence in that capacity in the family of Mr. Washburn. On the 22d of February, Mr. Washburn informed José Berges, the minister of foreign affairs of Paraguay, that "the present critical position of affairs in and near this capital has rendered it necessary for me to take into my service several persons in addition to those hitherto connected with this legation." In a list of "persons" above specified accompanying said communication, the committee finds the name of "Porter C. Bliss, American." It will be perceived that Mr. Bliss became a member of the personal suite of Mr. Washburn in strict accordance and full compliance with diplomatic usages in this respect.

George F. Masterman, the other memorialist, is an Englishman by birth, and a subject of her Majesty's government. In October, 1861, in pursuance of an agreement with agents of the Paraguayan government, he entered its service as professor of *materia medica*, and subsequently as assistant surgeon at the general military hospital at Asuncion. In November, 1866, he was arrested and imprisoned by that government, as is alleged, "for not obeying a telegraphic order, which arrived too late for execution," and was held as a prisoner for the space of about a year, and until released through the intercession of Mr. Washburn, who testifies :

Mrs. Washburn being unwell, and there being no physician there on whom I could rely, I obtained his liberation from custody; and when he came out of prison, where he had been for eleven months in solitary confinement, I took him to live at my house; that was in October, 1867. He continued to live in my house and to attend as a physician in my family.

On the 24th of February, 1868, Mr. Washburn informed the Paraguayan government that Mr. Masterman was one of the persons attached to his legation.

Your committee have failed to perceive in its investigation any objection on the part of the Paraguayan government to Bliss and Masterman being recognized as attached to and forming a part of the personal suite of Mr. Washburn; nor was there, prior to or at the time of notice being given of the fact that the gentlemen formed a part of the personal suite of the American minister, any complaint whatever, civil or criminal, against either Bliss or Masterman.

After the evacuation of Asuncion had been declared, the government of Paraguay established its capital at Luque. Mr. Washburn, in the meantime, very properly declined to change his residence in accordance with the wishes of that government, but remained at Asuncion, the former capital, until his departure from the country, on the 10th of September, 1868; Bliss and Masterman remaining as inmates of the legation and performing their respective duties.

During the summer of 1868, Mr. Washburn commenced making his preparations to withdraw from his mission, and accordingly, on the 14th of July, applied to the Paraguayan government for passports for himself, family, and suite, including Messrs. Bliss and Masterman. About this time Mr. Washburn received the following communication :

[Translation.]

MINISTRY OF STATE FOR FOREIGN AFFAIRS,
Luque, July 13, 1868.

Again called upon by the judicial authorities, I beg your excellency will excuse me for molesting you once more, to request you to dismiss from your hotel the North American citizen, Porter Cornelius Bliss, and the British subject, George Masterman, accused of crimes not less grave than the others whose dismissal I have already had the honor to request.

I embrace this occasion to renew to your excellency the assurances of my distinguished consideration and esteem.

GUMESINDO BENITEZ.

His Excellency Mr. CHARLES A. WASHBURN,
Minister Resident of the United States of America.

To which Mr. Washburn on the following day replied, saying, among other things:

Respecting these two individuals, I have to say that I have always considered them as belonging to the legation. Mr. Masterman came to reside in it as a medical attendant of my family in September last, and in my note, dated February 24, but forwarded with my other note of April 4, his name is included as one of the legation. As no objection was then made, I considered that he was recognized as such by the government as much as any one in my house. The name of Mr. Bliss was likewise given as of the legation in both of the lists above referred to. In reply to my note of February 22, his excellency Señor Berges said that Bliss, not being in the class of servants, would confine himself to the legation premises, as he would be liable to arrest if found outside of them. For the last three months he has scrupulously done so, and besides has been of great assistance to me in my official duties, and so long as I remain in Paraguay I desire to retain him. Considering, therefore as I do, both of these persons as members of the legation, I can have no discussion in regard to delivering them up or sending them from my house.

I therefore have the honor to ask for passports for all persons belonging to this legation, and that facilities for leaving the country, such as comport with the character of an accredited minister, may be furnished with as little delay as circumstances may permit.

I avail myself of the present occasion to tender to your honor the assurances of my distinguished consideration.

CHARLES A. WASHBURN.

This request of Mr. Washburn for passports having been refused, he again, on the 2d of September, 1868, writes to the Paraguayan government as follows:

I am greatly surprised that the passports have not been given me, as I furnished the list, as requested, on the day that I received your note. I therefore have occasion to repeat the request made in my note of July 14, that passports may be furnished me and the members of my legation, and such facilities for leaving the country be provided as comport with the character of an accredited minister, with as little delay as circumstances will permit.

To which he received a reply, with passports for himself, family and suite, except Messrs. Bliss and Masterman, the Paraguayan minister saying:

Among the individuals of the legation, the accused, Bliss and Masterman, as not belonging to it, cannot obtain their passports, and they must remain to answer the charges that are hanging over them before the local courts of justice.

From the fact that passports had been refused for Messrs. Bliss and Masterman, and that they were threatened with arrest by the Paraguayan authorities, Mr. Washburn anticipated trouble with reference to them. But having completed all his arrangements for leaving the country, he sent on board the Paraguayan steamer, which was to convey him to the Wasp, all his baggage and personal effects, and on the 10th of September, 1868, with his wife and servants, and being accompanied by Bliss and Masterman, he left the legation house, for the purpose of taking

passage on the steamer. The scene which occurred on this occasion is thus described by Mr. Bliss, p. 137 of his testimony:

On the 10th of September, 1868, Mr. Washburn and the members of his legation started from the legation building on the way to the Paraguayan steamer, which had been set apart for the purpose of taking him to the United States steamer *Wasp*, three or four miles down the river. At the first corner of the street Mr. Masterman and myself were surrounded by thirty or forty Paraguayan police soldiers, the same who had been on guard for two months on the lookout for us; and in the presence of Mr. Washburn, and of the French and Italian consuls, we were driven away to the police prison; Mr. Washburn making no useless demonstration at the time, other than to salute us in departing by a wave of his hat. We had just gone through the ceremony of parting inside the legation, as we were perfectly well aware that we would be seized, and Mr. Washburn had advised us to accuse *him* of conspiracy, if necessary, to save our lives. The Paraguayan government had stated expressly that it would seize our persons by force, if necessary, and had demanded our surrender in peremptory terms on five different occasions during the previous two months.

The troops formed a hollow square, and accosting us in the Guarani language, with shouts and jeers told us to go to the police headquarters. We were each of us provided with a satchel, in which we had packed up such necessities as we considered were most absolutely necessary for our comfort during imprisonment, and which we supposed we would be allowed to retain, including several changes of linen, combs, biscuit, cigars, a little money, one or two books, and other articles of the first necessity. On reaching the police headquarters, the negro servant, named Baltazar Carreras, who was also arrested at the same time with us, was first taken inside and ironed. Mr. Masterman and myself were remaining outside until that operation was finished. My turn came next. I was taken in, my satchel taken from me, I was ordered to strip off all my clothing, which was most carefully searched, even the seams being rigorously examined, to see if we had concealed any cutting implements or other articles considered contraband. Everything in my pockets was taken from me, with the exception of a few cigars, which were left me. I was then returned the clothing and told to put it on, and then to sit on a stone in the presence of a large circle of soldiers mounting guard. The blacksmith was called to put fetters upon my ankles, upon which I turned to the chief of police, who sat by, and asked permission to light a cigar; he looked rather surprised at the audacious request, but allowed me to pick out a cigar, and handed me a light. I sat smoking but silent while the irons (of thirty or forty pounds' weight) were riveted upon my ankles. I was then taken to a dark dungeon in the interior of the police department, and the door closed, but left slightly ajar. Mr. Masterman was treated in the same manner a few moments later.

Mr. Masterman's account of this occurrence, as published in his memorial to Congress, is in the following words:

Shortly afterward Mrs. Washburn, accompanied by Mr. Meinke (private secretary) and servants, left the legation; and then we, having waited until they were out of sight, walked rapidly along the piazza opening on the street; as we left it some forty or fifty police with drawn swords closed around us, separated us violently from Mr. Washburn and the consuls, and drove us before them to the police. As we had agreed, Mr. Washburn made no protest on the spot against this outrage; it would have been utterly useless, even if it had been understood by the men (I did not see a single officer among them,) and would but have invited rudeness to himself; while threats of vengeance would have been both absurd and impolitic, since the *Wasp* was then lying off Villeta, twenty miles or more down the river.

Mr. Bliss, myself, and a negro servant of Dr. Carreras, were then delivered as prisoners to the chief of police; he had us stripped naked and our clothes most carefully searched; part of them were returned to us; we were fettered and thrust into separate cells—nine had no window, and the door being closed I was left in total darkness until about 7 p. m., when three men entered with a lantern and tools, removed the light irons I was wearing and replaced them by a rough, heavy bar riveted to massive rings encircling my ankles, the whole so ponderous that I needed both hands to support them by means of a handkerchief used as a strap.

Mr. Washburn in his testimony also states:

At last we got ready to go. Bliss, Masterman, and myself talked it over as to what it was best to do—whether it was best to make a protest that I should refuse to go without them, or whether I should march out of the legation with the American flag flying covering all of us. But we knew that anything we might do of that kind would have no good effect; that it would only enrage Lopez, and that a very little thing would induce him to stop all of us. Our united opinion was that if I could get away and give the alarm to our squadron as to their situation it would be the best thing for me to do. They thought that probably before they would be killed, something would come to their relief. I started my family ahead of us so that they could not see anything of what might transpire. The French and Italian consuls went down

to the steamer with us. We had got to the front door of my house, and just as we stepped off the corridor into the street, there were about fifty soldiers, without any officers that I could see, and not one of whom, I suppose, could speak Spanish, who rushed in and caught Bliss and Masterman, and a negro servant whom Carreras had left there, and took them right off to prison. I went down to the little steamer and went aboard, and soon afterward she got up steam and went down to where the Wasp was lying, about twenty miles down the river.

The committee has no hesitation whatever in declaring that Bliss and Masterman formed a part of the personal suite of Minister Washburn, and as such were entitled to the immunities provided for by the law in such cases. Under the usages of nations, the minister had a perfect right to take such persons in his employ for the purposes indicated by him in his testimony; nor do we conceive that the right thus exercised is at all in conflict with the provision of the thirty-third section of the act of Congress of August 18, 1856, "regulating the diplomatic and consular system of the United States," which provides that "no attaché shall be allowed in any case, nor any secretary of legation, otherwise than as provided by this act." This is a simple restriction upon the minister to prevent him from incurring any expenses in his legation which are not authorized by the home government, but can hardly be construed to prevent him from engaging on his individual account such domestics and other employés as he may deem essential to the comfort of himself and family, or the convenient discharge of his official duties. Bliss and Masterman were in Paraguay prior to and at the time of their employment by Mr. Washburn. He regarded them as competent to perform the services which he required at their hands, and of this, as it was a matter personal to himself, he was of right the sole judge. There was nothing in their relations with the Paraguayan government, or with any other government, which made it improper for Mr. Washburn to employ them. He did so employ them in good faith, and they became not only a part of his personal suite, but inmates of his house, and under these circumstances entitled to the same privileges, protection, and immunities as his own wife or child. Their forcible arrest and detention, so graphically, and no doubt truly, described in the testimony already cited, was an invasion of the rights and privileges of the American legation, and an indignity to the nation it represented.

It will be seen in the correspondence between Mr. Washburn and the Paraguayan government, in reference to Bliss and Masterman and their status in the legation, and the right of the Paraguayan government to refuse passports when applied for, that the Paraguayan government at one time claimed that Bliss was "its contracted servant" without having fulfilled his promises, and that without previous notice he was employed by Mr. Washburn; and charging, at least inferentially, that Mr. Washburn had in this matter acted in bad faith toward the Paraguayan government. In the testimony of Mr. Bliss it is shown that this "contract of service" with the Paraguayan government was abrogated long before he accepted employment under Mr. Washburn; and this position is strengthened by the fact that his employment by Mr. Washburn was known to, and acquiesced in, by that government for a long period of time. This knowledge and acquiescence precludes the Paraguayan government from insisting on so flimsy a pretext as a justification or even a palliation of its subsequent high-handed and unwarrantable conduct.

At another time it has charged, as appears by the same correspondence, that Bliss was engaged in a conspiracy to dethrone Lopez, a charge which is not substantiated by any evidence whatever, unless we accept as testimony the statements which were extorted from the victims of

Lopez's tyranny, under a species of torture which hardly had its counterpart in the bloodiest annals of the "Inquisition." As a single specimen of this "torture," let us in this connection allude to a hurried and furtive interview between Masterman and Dr. Carreras, as related by the former in his sworn memorial to Congress:

In the confusion I managed to speak unobserved to Dr. Carreras. He said, "Has Mr. Washburn gone?" I replied, "Yes," and added, "how could you tell such falsehoods about him?" He removed some dirty rags from his hands and showed me that the first joints of his fingers had been crushed and were still suppurating. He had also a deep, unhealthy-looking wound across his nose. He held out his mangled hands and said, "That terrible Father Maiz tortured me on three successive days, and then crushed my fingers as you see."

We have alluded to this revolting scene for the additional purpose of remarking that "testimony" thus procured can have no weight in sustaining charges made by a government which, in this age of the world, not only tolerates but resorts to such horrid practices. But it is not averred that Bliss was guilty of this or any other criminal acts prior to his becoming a member of Mr. Washburn's diplomatic family. The same remark is equally applicable to the case of Mr. Masterman, and to us it is apparent that the object of the Paraguayan government in this remarkable correspondence was simply to furnish itself with one pretext for its gross attack upon the rights and dignity of the American legation.

The residence of a minister for the time being is regarded as the territory of the sovereign whom he represents, and is not subject to the laws or customs, civil or criminal, of the country to which he is accredited. The minister is the direct and immediate representative of his sovereign, and to subject his actions to the control of any other power is to deprive him of that independence of character so essential to the success of his mission. So highly is this right regarded by the civilized world that it is not considered competent for the minister to waive this privilege, or to consent to any infringement of it. It is a privilege belonging to his sovereign, in whom alone rests the right to control it; and in its strict observance all nations are equally interested.

In corroboration of these views the committee beg leave to refer to a few well-known and universally received authorities upon this subject?

This immunity extends not only to the person of the minister, but to his family and suite, secretaries of legation and other secretaries, his servants, movable effects, and the house in which he resides. * * * The wife, family, servants, and suite of the minister participate in the inviolability attached to his public character. (*Wheaton.*)

These ex-territorial privileges are also extended by positive international law, as much as the rights of inviolability to the family, and especially to the wife of the ambassador. * * * His suite or train are also entitled to these privileges, a violation of which in their persons affects the honor, though in a less degree, of their chief. (*Phillimore.*)

See also, in confirmation of this position, 1st Dallas's Reports, p. 120; 1st Wash. C. C. Reports, p. 232.

The Paraguayan government, as will be seen by the correspondence to which reference has already been had, assumed the position that Bliss and Masterman sought "asylum" in the legation of Mr. Washburn, and deny his right, under the circumstances, to grant this asylum. This position is not sustained by a single fact in the case, as neither of them entered his house to escape punishment for crime, or to claim immunity from any obligation arising under the civil law. Masterman was employed in his capacity as physician and became a resident member of Mr. Washburn's family as early as October, 1867, with the full knowledge and consent of the Paraguayan government; while Bliss was in the employ of Mr. Washburn for the term of nearly a year, devoting the whole of

his time to such employment, with the like knowledge and tacit consent of the Paraguayan government, and took up his residence in the family of Mr. Washburn when, by edict or proclamation, Asuncion was evacuated and declared a military post. The prior employment of both these persons, on their part and that of Mr. Washburn, was in good faith, and without any intention to evade any obligation to either the civil or criminal law of Paraguay, for no such charge was, prior to the 22d of February, 1868, alleged against either of them. With these uncontroverted facts before the committee, it can come to no other conclusion than that Bliss and Masterman formed a part of the personal suite of Minister Washburn, and as such were entitled to the protection which the law of nations afforded. In addition to the right of protection incident to the position occupied by Mr. Bliss in the legation, he is an American citizen, and in this capacity he was, in the absence of any civil or criminal charge, entitled to the protection of his government. But the Paraguayan government, not satisfied with the outrageous and high-handed measures in forcibly arresting Bliss and Masterman within the portals of the legation, under the very protection of the American flag, seized them as criminals and held them in close confinement.

The events occurring after their seizure and imprisonment are described by Mr. Bliss in substance as follows: After being manacled he was placed in a cell, where he remained until 8 o'clock the same evening when he was taken, still manacled, to the office of the chief of police, where he was mounted on a horse *sideways* and strapped to the saddle. In this position he was compelled to ride that night to Lopez's headquarters, a distance of about thirty-six miles, in company with Mr. Masterman, under a military escort. His sufferings during this journey he describes as being more terrible than the torture he was afterward forced to undergo. Upon reaching Lopez's camp the next day at noon he was taken before a tribunal consisting of six or eight persons and interrogated as to his connection with the supposed conspiracy against Lopez. He declared his innocence of the various charges made against him, but was told he was not brought there to make any defense, but simply to confess the facts connected with his complicity in the conspiracy. This he refused to do, and again asserted his entire innocence in the matter. He was then interrogated concerning various parties who had been implicated, and threatened with torture if he still continued to deny his connection with them. Having been kept before this tribunal for twelve hours, suffering from the fatigues of the journey and hunger, he was finally induced to make a general confession, in which he implicated Mr. Washburn and charged him with various crimes and delinquencies. He was then removed to prison, and on the four succeeding days brought before the tribunal to resume his pretended confession. At the expiration of this time he was informed that his statements about Mr. Washburn were all very well so far as they went, but that he had not confessed to the full extent of his own complicity; that he had suppressed some very important information. He says:

I had had eight or ten days of enforced idleness in which to think about it, and came to the conclusion that I would say nothing more unless I was obliged to by pressure beyond my ability to endure. So then I refused to confess anything further, and the torture was put in execution. I was seated on the ground; two muskets were placed under my knees and two muskets over my neck; my wrists were tied together behind my back and pulled up by the guard; the muskets above and below were connected with thongs fastened around them so as to be readily tightened; in some instances they were violently tightened by pounding with a mallet. They continued to tighten them, bringing my body in such a position that my abdomen suffered great compression and that I distinctly heard the cracking of the vertebræ of the spine, leaving me in that posture for a long time. In fact after I was on board the United States squadron

I could never stoop forward without feeling a twinge in the back and in the abdomen. I remained in that position about fifteen minutes, the officers standing over me watching the effect of their cruel work. At the end of that time I was prepared with a new batch of novelties of the most startling character. The priests came and stood over me cross-questioning me, and extracted from me a general confession as to the heads of what they had inquired about, before they released me. After I had confessed in general, I was taken in that condition before the tribunal, who set to work to elucidate the minutiae of my new confession.

Two days after making these last astounding revelations, I was *invited*, that is to say *commanded*, to put them into narrative form along with all my previous revelations. They were considered so very important that I was desired to express them in detail, with such a satirical commentary upon them as could not well be given through the medium of judicial proceedings. I was removed from the circle of prisoners where I had been remaining until that time, to a little straw hut situated a stone's throw from the tribunal, where I remained with my irons on, but had shelter from the weather, which I had not had in any sufficient degree previously. They furnished me a rude seat and a little wooden stand with an inkstand and paper, and kept me there for the next two months, until my transfer on board the American squadron.

Mr. Masterman, in his sworn memorial, corroborates fully the testimony of Mr. Bliss, and thus describes the torture he was compelled to undergo before he gave his pretended confession :

At last I was bound hand and foot, and they applied the *cepo-uruguayana*, which I need not describe here. The pain was very severe, but I endured it in silence; the priest meanwhile, in a loud voice, exhorting me to confess and save my life, and, perhaps, gain honor and rewards from the "merciful and generous Marshal Lopez." After a time, which seemed very long to me, I was unbound, and in a few minutes tied up again with the added weight of a third musket; my lips were badly cut against my teeth, and the blood nearly choked me; and when the thongs were tightened I fainted from the pain. I was lying on the ground when I recovered consciousness, so exhausted that I felt that I could hold out no longer, preferring death as a confessed conspirator to the repetition of such terrible suffering.

Therefore I told them, as they were about to put me to the *question* again, that I would confess all I knew, and they at once unbound me. I drank some water and a little broth, and then re-entering the hut, told, with a feeling of the bitterest humiliation, the same miserable tale as had been extorted from my late companions.

On the 3d of December I was again sent for, and after a long exhortation from Father Maizte to always adhere to the statements I had made in my depositions, he informed me that I had been adjudged worthy of death, but if I would promise to never deny the truth of those statements, and endeavor to bring Washburn to justice, I should be exiled from the country. I replied, what is written cannot be unwritten, what I have said cannot be unsaid; which seemed to satisfy him, for my irons were taken off.

Bliss and Masterman were thus held as prisoners, and thus treated by Lopez, until the arrival of Admiral Davis at Angostura in the early part of December, 1868.

Admiral Godon was detached from the command of the South Atlantic squadron in September, 1867, and succeeded by Admiral Davis.

Meanwhile Mr. Washburn and family were conveyed by a Paraguayan steamer from Asuncion and placed on board the United States gunboat *Wasp* and brought to Buenos Ayres. On the 26th of September, 1868, he informed the State Department of his retirement from Paraguay and the circumstances attending his departure. The facts connected with the attempt of the *Wasp* to proceed to Asuncion in the spring of 1868, for the purpose of relieving "Mr. Washburn and family from their embarrassing and probably dangerous position," are fully detailed in the testimony, and reflect no credit upon the allies in again insulting our national flag, especially in view of their previous conduct, which was then so promptly resented by our minister at Rio, and his course heartily approved by our government.

The committee have not failed to observe that this additional exhibition of bad faith on the part of the allies is, in some measure, to be at

tributed to the same want of prompt and resolute action on the part of Admiral Davis which had characterized the course of Admiral Godon on the occasion of Mr. Washburn's return to Paraguay two years previous.

The committee have already sufficiently discussed the "right of innocent passage," through the military lines of the allies, of a vessel of war to take to or bring from his post our minister to Paraguay—a right about which there can be no reasonable doubt, and which was so fully asserted and maintained by our government—and hence it is to us a matter of surprise and regret to find two distinguished officers of our navy thus hesitating in promptly asserting and exercising it.

It is not thus that the honor of the nation can be sustained; it is not thus that our rights will be respected by others; it is not thus that our flag will continue to be an emblem of power.

Our navy is maintained at a great expense to the government, and the people expect in return that its officers shall on all occasions and in all places firmly maintain the rights of the citizen and the dignity of the nation.

Mr. Washburn arrived at Buenos Ayres on the 20th of September, 1868, and two days thereafter Captain Kirkland notified Admiral Davis (then at Rio) of the arrival of the *Wasp* with Mr. Washburn on board. On the 24th of September, 1868, Mr. Washburn wrote to Hon. William Stewart, British minister to Buenos Ayres, a copy of which letter accompanies this report, in which he details fully, among other things, the circumstances connected with the arrest of Bliss and Masterman.

The admiral (Davis) testifies as follows:

By Mr. ORTH:

Question. When did you receive the first official notice of the imprisonment of Bliss and Masterman?—Answer. I must have received the first information from a letter of Mr. Washburn to Mr. Stewart, British minister at Buenos Ayres. I then learned, for the first time, of their imprisonment.

Q. You determined then to proceed to Paraguay and effect their release without awaiting instructions from the home department?—A. Yes, sir; I awaited, however, for our minister to arrive.

Q. Did he bring instructions?—A. No, sir; but I considered it his business. He, as minister to Paraguay, had a right to be consulted, and indeed to take direction, and that was the intention of the government, as he was specially instructed to act in co-operation with me and I in co-operation with him.

Q. Did McMahon inform you of such instructions when he arrived in Rio?—A. No, sir; I did not receive those instructions until my return from Paraguay.

Q. In what light did you consider Bliss and Masterman; in the light of prisoners or otherwise?—A. I got my idea of their status from Mr. Washburn's correspondence and from interviews with Mr. Washburn at Buenos Ayres.

General Webb, in his testimony, fixes the date on which the admiral received the information as to the unlawful arrest of Bliss and Masterman on the 5th of October, 1868; and although the admiral informed the committee that he determined then to proceed to Paraguay and effect their release, yet it was not until the 21st of November that he left Buenos Ayres for that purpose, and arrived at Angostura on the 3d day of December—a period of sixty days having thus elapsed before the admiral went to their relief.

The facts connected with this long delay appear fully in the testimony of Admiral Davis and General Webb, to which we call the attention of the House, not deeming it important to add to this already voluminous report by quoting it in detail.

A reference to that testimony discloses another of those "differences" between the representatives of the Naval and State Departments, not by any means creditable to the public service or calculated to enhance its efficiency.

We do not regard the reason assigned by the admiral as sufficient to justify him in thus long refusing to attempt their rescue, especially as he had half a dozen of vessels at his command, and when the peculiar position in which Bliss and Masterman were placed, as well as the honor of the government, required prompt and decisive measures.

If such is to be the course of our naval officers in times and under circumstances requiring prompt and manly action, we respectfully submit to the House and the country that "admirals abroad" can safely be dispensed with, and our treasury relieved from the heavy expenses incident to maintaining our squadrons in foreign waters.

It appears from the testimony that the admiral and Mr. McMahon, on their way to Paraguay, were in daily consultation as to the proper course to be pursued in reference to the release of Bliss and Masterman, (being then in possession of the facts connected with their arrest and detention,) and the result of such joint deliberation was the following letter, which the admiral sent to Lopez immediately on his arrival at Angostura:

UNITED STATES FLAG-SHIP WASP, (4th rate,)
In front of Angostura, Paraguay, December 3, 1868.

SIR: I have the honor to inform your excellency that I have arrived in front of Angostura, having on board his excellency General M. T. McMahon, the minister of the United States to the republic of Paraguay.

As as an indispensable preliminary step to the presentation, by General McMahon to your excellency, of his credential letters, I have to request that Messrs. Bliss and Masterman, the persons arrested and detained in Asuncion, while under the protection and attached to the legation of the previous United States minister, be restored to the authority of the United States flag.

Knowing that before the occurrence of this arrest and detention it was the earnest desire of the government of the United States to continue, under the existing circumstances, its friendly relations with the republic of Paraguay, a desire sufficiently manifested by the prompt appointment of General McMahon, it is my hope that your excellency will hasten to remove the only obstacle which stands in the way of these relations.

I have the honor to be, with the highest respect, your excellency's most obedient servant,

C. H. DAVIS,
*Rear-Admiral Commanding the Naval Forces
 of the United States in the South Atlantic.*

His Excellency Marshal Don FRANCISCO SOLANO LOPEZ,
President of the Republic of Paraguay.

The manly, bold, and honorable position assumed in this letter reflects great credit upon its author, and exhibits in him at that time a due appreciation of the rights of the country he represented and of the outrage which had been perpetrated.

Upon the receipt of this letter Lopez, instead of complying with its demands, requested a personal interview with the admiral, which was granted, and which is thus detailed in his dispatch to the Secretary of the Navy of December 12, 1868.

The business of this interview may be briefly stated: President Lopez began by saying that it was his fixed purpose to deliver Messrs. Bliss and Masterman into my keeping; that he preferred to arrange this matter with me in person rather than it should pass through the usual channels of official intercourse; that he was on this account glad I had come up myself, and that where both parties were so perfectly in harmony as to what was to be asked for and acceded to, there could be no difficulty. In this preliminary conversation the President said repeatedly, with regard to the men "*se debe entregarlos*," and with regard to the difficulty, "*se ha de arreglar*."

This interview was sought by Lopez, undoubtedly, in the hope of evading the unconditional demand of the admiral, and inducing him to change the terms of his letter; and the sequel shows that he was but too successful.

Lopez was well satisfied with the result, for Dr. Stewart testifies that on his return to headquarters "he was smiling and shrugging his shoulders and asked me, 'What think you of the Yankees now? We are to have a successor to Washburn.'"

After the interview, the admiral says he still regarded Bliss and Masterman "exactly in the light in which they were placed in Mr. Washburn's correspondence," which he describes, in said letter to Lopez, as "persons arrested and detained in Asuncion while under the protection of the previous United States minister;" and yet he informs the Navy Department that he "finally assented to the wishes of Lopez and withdrew the letter." Is it any wonder that this remarkable course of the admiral caused Lopez to "smile and shrug his shoulders," for in this brief interview he induced him to recede from a position in which he was clearly right, a position that had been taken after most thorough deliberation, and in which he would have been fully sustained by his government.

Lopez knew that he had ruthlessly trampled upon the rights of our legation, and that an American admiral had called upon him, in the name of the nation he had insulted, for prompt redress, and hence this letter, so true in its statements and so fearless in its manner of asserting them, was distasteful to Lopez, for the very reason that the statements were true.

The admiral informs us that "the manners of the President (Lopez) were conciliatory, courteous, and frank;" that "he objected to the letter because a part of it had the air of menace," and forgetful of himself and his government, the admiral changed his position without changing his opinions, *withdrew the letter*, and the next day sent the following:

UNITED STATES FLAG-SHIP WASP, (4th rate,)

In front of Angostura, Paraguay, December 4, 1868.

SIR: I have the honor to apprise your excellency of my arrival in front of the batteries of Angostura.

My object in placing myself in personal intercourse with your excellency is to request that Messrs. Bliss and Masterman, the individuals arrested and detained in Asuncion, on the 10th day of September last, may be delivered into my keeping, subject to the order of the government of the United States.

It does not belong to me to define or even to consider the *status* of these individuals.

But on this subject your excellency will, I doubt not, repose confidence in the justice and friendship of the United States, which has afforded your excellency many recent proofs of its respect and sympathy.

Any papers your excellency may be pleased to send with these individuals will be transmitted to Washington by the earliest opportunity.

I have the honor to be, with the highest respect, your excellency's most obedient servant,

C. H. DAVIS,

*Rear-Admiral Commanding the Naval Forces
of the United States in the South Atlantic.*

His Excellency Marshal DON FRANCISCO SOLANO LOPEZ,
President of the Republic of Paraguay.

Now mark the difference in these letters; the one dated the 3d and the other the 4th days of December. In the former he "requests that Bliss and Masterman, the *persons* arrested and detained in Asuncion, while under the protection and attached to the legation, &c., be restored to the authority of the United States flag;" in the latter he states his object to be "to request that Bliss and Masterman, the *individuals* arrested and detained in Asuncion, &c., may be delivered into my keeping, subject to the order of the government of the United States." He goes further and adds: "It does not belong to me to define or even to consider the *status* of these individuals;" and still further, volunteers to be the bearer of "any papers" which Lopez would send with these individuals, to Washington.

The contents of this letter show very clearly what transpired between the admiral and Lopez during their interview; that Lopez "revealed" to him that Bliss and Masterman had been engaged in a conspiracy; that they had confessed their guilt, and in such confession had implicated Mr. Washburn; that these "revelations" made a profound impression on the mind of the admiral, and that he gave them credence we can readily believe, when we recur to the contents of this second letter. Else how can we account for the remarkable change in the admiral's position. In the former he asserts that Bliss and Masterman were arrested "while under the protection and attached to the legation," &c., in the latter as "individuals arrested and detained in Asuncion." In the former he "requests that they be *restored* to the authority of the United States flag;" in the latter, "that they may be *delivered into my keeping*, subject to the order of the government of the United States." In the former he defines their status very clearly; in the latter he says: "It does not belong to me to define or even consider their *status*."

The admiral had received no additional intelligence, in reference to the arrest and detention of Bliss and Masterman, to cause this change of position, except what he may have received from Lopez, and under the circumstances he had no right to receive or act upon any intelligence from that quarter. On the contrary, it was his duty to spurn any that might be thus offered, contradicting the official report of Mr. Washburn.

In this matter Lopez was exceedingly fastidious; he was not satisfied even with this condescension on the part of the admiral, and hence directed his chief military secretary to reply to this second letter, as follows:

The President regrets that it is not in his power to accede to the delivery, in the terms of your excellency's note, of the accused, Bliss and Masterman, to the keeping of your excellency, who, if not called upon to define or even to consider, should not at least conceal from yourself the fact of their being criminals, deeply committed in the affair of a horrible conspiracy, very particularly the former. Nevertheless, his excellency the President of the republic would cheerfully consent to the delivery of the criminals Bliss and Masterman, *provided it were requested in a manner more in conformity with the fact of their being accomplices of Mr. Washburn.*

As this correspondence progressed Lopez became emboldened, and added insult to injury, by charging that Bliss and Masterman were criminals engaged in a horrible conspiracy and accomplices of Mr. Washburn. And yet this gross insult to our nation, this base and unfounded charge against an American minister and two members of his diplomatic family arouses no resentment, so far as the testimony shows, in the mind of the admiral. He receives it without a murmur of disapproval, and on the very day on which this insulting epistle is placed in his hands, he informs Lopez that he has "the honor to acknowledge the receipt of a communication from his excellency," &c., "but that your excellency objects to their (Bliss and Masterman's) delivery under the terms of my note," and then adds:

I wish your excellency to believe that it is no part of my official duty either to *offer or to refuse any terms* which will affect the alleged criminal condition of the two persons in question. The papers accompanying these two persons will sufficiently express to the government of the United States the judgment of the government of Paraguay in their cases.

This ought to have satisfied Lopez; thus far he had gained his point; he dictated his terms, and they were accepted; but he had still another request to make of the admiral, which he ordered his secretary to forward to him in these words:

In this respect I am happy to inform your excellency that the prosecuting officers who have received the orders of his excellency, with a recommendation to be brief,

expect to get through in time for the embarkation of the criminals, Bliss and Masterman, by 3 o'clock of the afternoon of the 8th instant, and at the same time they have expressed a wish, which they hope will be gratified, that your excellency will name one or two of your officers who can witness, on the morning of the same day, the verification of the declarations of both of the accused in the case.

Having already gone so far to accommodate him, he could not well refuse to take another step in the same direction, and hence the admiral says :

In obedience to your excellency's wishes, I shall appoint two superior officers, one of them the chief of my staff, to witness the verification of the declarations of the accused, Bliss and Masterman.

In the testimony of the admiral, herewith submitted, and to which we refer the House, he gives the reasons for the course he pursued in this correspondence; but, in the judgment of the committee, these reasons are altogether inconclusive and unsatisfactory.

Pursuant to this concession on the part of the admiral, he detailed Captains Ramsay and Kirkland to proceed to the camp of Lopez to bear witness to a most extraordinary spectacle, that of two "persons attached to and under the protection of the legation of our minister, Mr. Washburn," brought as prisoners before the tribunal, and in their presence compelled to verify a confession which the Paraguayan officials *knew* was extorted from them, which our officers *believed* was extorted, and which the admiral says he believed to be untrue.

This humiliating scene is thus described by the officers :

Captain Ramsay says that Bliss was not informed by himself or Captain Kirkland who they were or what was the object of their visit. In answer to the question, "Were you not sent there to protect Bliss and Masterman, as American citizens?" he says :

No, sir; the case, as I understood it when I left the ship, was that President Lopez intended to give up Bliss and Masterman to Admiral Davis immediately, but that before they left the country he wanted all these declarations verified, and wanted that verification in the presence of a United States officer. That was the way I understood it, and my duty was only to go there and be witness to what they said.

By Mr. WILKINSON :

Q. Did you give these men to understand that they would be protected in telling the truth; that the government of the United States would protect them if they did so?—A. No, sir; our presence was sufficient guarantee of that.

By Mr. ORTH :

Q. In this connection I wish you would describe Mr. Bliss's personal appearance, his clothing, &c., and likewise the place in the court-room these two men occupied in respect to the judges and the officers constituting the court?—A. When Mr. Bliss came in, the appearance of his face was as much like it is now as it possibly could be. He was perfectly calm and self-possessed, and answered every question as coolly as he possibly could at any time. His clothes were very shabby, and his pantaloons were split up a little at the bottom of the legs, as if they had been worn a great length of time. He wore a pair of shoes. I noticed they were very good shoes except that the India rubber was a little stretched. His clothes looked as though they had been worn a great deal without any care. The tribunal was in a small room. Bliss and Masterman sat on one side of the room; on the opposite side sat the officers I spoke of. At the end of the room was a table, and behind the table sat the two judges and the person who read, and opposite them, at the other end of the room, sat Commander Kirkland and myself.

By Mr. ORTH :

Q. Had you any conversation with Mr. Bliss at that time?—A. None whatever.

Q. Did you mean by that memorandum that you thought these confessions were extorted from him?—A. I took it for granted that they were. I never saw a man exhibit such fear as Masterman did. We returned to the ship about nine o'clock.

By Mr. WILKINSON :

Q. Did you make any report to the admiral when you arrived?—A. I told him, as nearly as I could recollect, everything that occurred.

Q. Did you apprise the admiral of the impression made on your mind as to whether those confessions were voluntary or extorted?—A. I am pretty sure I did, because this memorandum was written immediately on getting on board the ship.

Q. What reply did the admiral make to this?—A. I don't remember. Of course, when we got back the admiral was very anxious to know what had occurred during the day, and I gave him as clear a statement as I could.

Q. Were your orders to bring Bliss and Masterman back with you to the ship?—A. No, sir.

Q. Did you make any suggestion to the admiral in regard to bringing them aboard that night?—A. No, sir.

Q. You left them in the hands of the Paraguayan authorities when you passed from the tribunal to the vessel?—A. Yes, sir; we left them just as we found them.

* * * * *
Commander Kirkland, alluding to the same transaction, says:

* * * * *
By Mr. ORTH:

Q. State particularly what occurred on that occasion, from beginning to end.—A. I will premise by stating that I thought the whole thing was ridiculous, and I did not pay any particular attention to it, except to some parts of it.

Q. Why did you regard it as ridiculous?—A. I knew that their declarations would not amount to anything in the United States. I thought it was a piece of ignorance on the part of the Paraguayan authorities.

* * * * *
Q. Now relate what occurred at this tribunal; who were present on the part of the Paraguayan government?—A. There were two judges, or at least I supposed they were judges. One or both of them were priests. There were two men whom I think were Paraguayan officers, and one man was reading these declarations. One or two of these men came in from time to time. I think there were four or five Paraguayan officers there.

Q. Who was first brought in?—A. Mr. Bliss.

Q. Did you have any conversation with Bliss when he first came in?—A. I do not think I did.

Q. Did either you or Captain Ramsay make known your character?—A. I think one of the parties present said: "These officers are here to witness your declarations."

Q. Did he state who you were, that you were United States officers?—A. I do not remember.

Q. Were you in uniform?—A. I was in uniform, and so was Captain Ramsay, with our swords on.

* * * * *
Q. But you did not make known to him (Bliss) the object of your visit?—A. I do not think I did.

* * * * *
Q. Did you see anything about him that led you to believe that he had been placed in irons?—A. The legs of his breeches were considerably worn; I should think from that he had been in irons.

Q. What occurred after Bliss entered?—A. He came in, and these declarations were read over to him by these men. I did not pay particular attention to them, as I thought the whole proceeding a humbug.

Q. Did you regard Mr. Bliss and Masterman at that time as under the control of the Paraguayan authorities?—A. I did.

Q. Did you exercise any control over them?—A. No, sir; I was not sent there for that purpose.

Q. You were sent there to hear what you style a "humbug proceeding" being gone through with?—A. Yes, sir.

The "declaration" referred to in the foregoing testimony is a so-called confession that Bliss and Masterman were engaged in a conspiracy to dethrone Lopez, and that Mr. Washburn, forgetful of the duties he owed to himself as a man, and to the government whose minister he was, was engaged in the same conspiracy. When we reflect that this declaration had not the least semblance of truth; that it was extorted from these trembling and friendless prisoners under torture, and that the admiral and his two witnesses had every reason to believe it had thus been extorted, we seek in vain for any excuse or palliation for their connection with this shameful transaction.

On the same night Bliss and Masterman were delivered as prisoners to Admiral Davis, and placed on board the Wasp.

On the following day Mr. McMahon presented his credentials to Lopez, and entered upon the discharge of his official duties.

Mr. McMahon had received his final instructions as minister resident to Paraguay from the State Department on the 3d day of September, 1868, and before the President could have been fully advised of the facts to which we have referred, and which were subsequently brought to his knowledge. It is reasonable to assume that no successor to Mr. Washburn would have been appointed had our government then been in possession of these facts, and this presumption is strengthened by the subsequent action of the President in recalling Mr. McMahon, and very properly declining thence hitherto to hold any diplomatic intercourse with the Paraguayan government.

This committee have no hesitation in saying that this action of the President under the circumstances meets their decided approval.

There is a conflict of testimony in reference to the *status* of Bliss and Masterman after their arrival on board the *Wasp*, and subsequently on board the *Guerriere*.

Admiral Davis, in his letter to the Secretary of the Navy, states that Messrs. Bliss and Masterman were received on board as *temporary visitors*, and in confirmation of this position he states in his testimony that "Bliss and Masterman could not have been made prisoners in the squadron under my command by the authority of any one except myself; that I never gave such authority; and that any statement, by whomsoever made, which declares that these men were ever regarded as prisoners in the squadron under my command, is incorrect in point of fact."

Were Bliss and Masterman treated as prisoners by Admiral Davis?

Dr. Gale, surgeon in the navy, referring to Bliss and Masterman, says:

They came on board about the 10th of December, 1868, in the night. I saw them next day, I think, and found them forward on the berth deck. I understood they were under charge of the master-at-arms. They were treated as prisoners. I considered that they were prisoners.

Lawrence C. Carpenter, sergeant of marines on board the *Guerriere*, testifies:

I had them in charge. We received them from the *Wasp* at Montevideo and took them to Rio. It was somewhere about Christmas, 1868. They were under my charge for one week. They were put under my charge, as I understood, as prisoners. I received orders from Captain Fendall to take charge of them; not to allow them to hold communication with any one belonging to the ship; to allow them to hold no communication with the shore; to write no letters, or send them off without first being examined by Captain Woolsey.

Dr. Duvall, surgeon in the United States Navy, says:

While Bliss and Masterman were on board the *Guerriere* Captain Woolsey came out and told the executive officer to send the men (Bliss and Masterman) off the quarter-deck into the port gangway, a greater indignity than which cannot be offered to any man on board a man-of-war. The port gangway is where all the servants, scullions, &c., congregate.

At any rate, immediately after breakfast the officers of the ship received orders to put those two "men," as they were called, under a sentry, and not allow them to communicate with anybody on shore, or write any letters. They were prisoners, evidently. Captain Woolsey said: "You know very well that these men have been under surveillance while on board the *Guerriere*. They are not so now, because we are at sea, but they will be put under sentry's charge when we reach Rio." He then told me that these two men, Bliss and Masterman, were scamps and scoundrels.

Commander Kirkland, who was at the time of Bliss and Masterman's reception in command of the *Wasp*, says:

By Mr. ORTH:

Question. What orders did you give in regard to their being placed in charge of the

master-at-arms?—Answer. I told him to put a sentry over them, and not allow the men to interfere with them. They were put under my supervision, and as I could not watch them, I put another man to do it.

Q. Did you regard them as *temporary visitors* to the Wasp?—A. I did not call them anything at all. I did hear that they were guests, but they were not my guests.

Q. How long was that sentinel placed over them?—A. I think that sentinel remained there as long as they remained on board the Wasp.

Q. What was your object of putting the sentinel over them?—A. Not to allow the men to interfere with them.

Q. Then your object in placing these sentinels over these men was to protect them?—A. I thought that the whole proceeding was a piece of humbug.

Q. Suppose the sentinel had allowed them to go ashore, would you not have punished him?—A. I would, undoubtedly.

Q. Then the sentinel would not have regarded it as a piece of humbug?—A. Perhaps not.

Q. Suppose that Lopez had surrendered these prisoners into the hands of the admiral unconditionally, would your treatment have been different from what it was?—A. Just the same, with the exception, perhaps, of the orderly.

Mr. Worthington, our former minister at the Argentine Republic, testifies as follows:

By Mr. ORTH:

Question. Did you see Bliss and Masterman after their arrival?—Answer. I did.

Q. On what vessel?—A. On the *Guerriere*, in the harbor of Montevideo.

Q. Were they under surveillance or restraint of any kind upon that vessel?—A. Very clearly they were prisoners.

Q. Were they so regarded?—A. Yes, sir; so regarded as prisoners, from what the admiral said, and what everybody else said. They were not in chains.

Q. Were they deprived of their freedom?—A. Very clearly they were on that ship as prisoners, and, as I understood from the admiral, had been received as prisoners.

Q. Were they held by him at that time as prisoners?—A. I clearly understood that from him.

By Mr. WILKINSON:

Q. Was that the reason you asked his permission to see them?—A. It was; because I was aware of the fact that they were not free agents on board of the ship, and I felt it my duty to obtain the authority of the officers of the ship before communicating with them.

By Mr. SWANN:

Q. What information had you that induced you to think they were held as prisoners on board that ship?—A. The general report of the community, and from my conversation with Captain Ramsay and other officers of the ship after my arrival on board, besides letters I received from General McMahon at the time of the surrender of them by Lopez.

Q. They told you Bliss and Masterman were prisoners?—A. Yes, sir; and besides that, I had received letters to that effect from General McMahon upon the return of the Wasp.

Q. Did those letters recognize the fact that they were held as prisoners?—A. Yes, sir; General McMahon wrote to me stating the circumstance of his arrival, the examination of Bliss and Masterman before the commission, the determination of Lopez to surrender them, and in a subsequent letter stated to me that at such a time they were surrendered as prisoners to be carried to the United States to be tried on the charges that Lopez had preferred against them.

The committee submit that this testimony shows that, however Admiral Davis may have regarded Bliss and Masterman while on board the Wasp and *Guerriere*, they were in truth, and in fact, "prisoners," and deprived of their freedom, until their arrival at Rio, and under all the circumstances developed in this investigation we fail to see any reasonable excuse for the course which was adopted. They were unlawfully arrested by Lopez while entitled to the protection of the American flag, and it was by virtue of this right to protection, and for the purpose of

enforcing it, that the admiral went to their relief, and effected their deliverance; and hence the deprivation of their freedom or the surveillance under which they were held was unjustifiable, even admitting a promise, either express or implied, which Lopez exacted as to the manner of their treatment subsequent to their delivery to the admiral. On their arrival in this city they reported (according to promise given to the admiral) to the Secretary of State, who informed them there was nothing in the possession of the government to justify their further detention.

During this investigation the question has suggested itself to the committee as to whether any legislation is necessary to provide against the recurrence of such conflicts between the officers of the navy and diplomatic representatives as has arisen in the case under consideration.

In view of the fact that conflicts of this nature are of very rare occurrence, this being the only one of so serious a character in all our past history, and in view of the further fact that these officials are at all times subject to the control and direction of the President, we deem such legislation inexpedient.

In conclusion, the committee present to the House the following resolutions, and respectfully recommend their adoption:

Resolved, That Rear-Admiral S. W. Godon, in neglecting to aid Mr. Washburn in reaching the government to which he was accredited, failed to discharge his duty as commander of the South Atlantic squadron.

Resolved, That Bliss and Masterman were members of the personal suite of Mr. Washburn, and were, therefore, under the law of nations, entitled to the protection of the officers of the United States.

Resolved, That the forcible arrest and detention of Bliss and Masterman by the government of Paraguay was a violation of the law of nations, and a gross insult to the honor and dignity of the United States.

Resolved, That we approve the action of the President in withdrawing our minister (General McMahon) from the government of Paraguay, and in declining to hold further diplomatic intercourse with said government.

Resolved, That it is clearly the duty of our naval officers on foreign stations to render all reasonable assistance to the diplomatic officers of the United States in the discharge of their duties; and that a refusal or neglect to render such assistance when required, or any discourtesy by such naval officers toward such diplomatic officers, should be the subject of inquiry and punishment by the Navy Department.

Mr. WOOD, on behalf of Mr. SWANN, submitted the following resolutions for the minority of the Committee on Foreign Affairs:

Resolved, That the forcible arrest and detention of Messrs. Bliss and Masterman, while under the protection of the American flag, was an outrage which demanded prompt reparation.

2. That Mr. Washburn in submitting to the insult of President Lopez, in his refusal to grant passports to Messrs. Bliss and Masterman, and in separating himself from them in the streets of Asuncion, and leaving them in the hands and at the mercy of the Paraguayan authorities, caused a serious compromise of the American flag, and could not be justified upon any consideration of personal safety; and that Minister Washburn, in justice to his position and in honor of his flag, ought not

to have accepted his passport until permitted to withdraw with every member of his legation.

3. That in the hostile or unfriendly attitude assumed by Minister Washburn toward Lopez and the Paraguayan government in his relations and intercourse with the President of that republic, and in associating Bliss and Masterman with his legation, (one a British subject, suspected by Lopez of a conspiracy with his enemies and the enemies of his country—both adventurers and of doubtful reputation,) Minister Washburn committed a grave act of imprudence, which resulted in most, if not all, of the complications attending his residence in Paraguay.

4. That Admirals Godon and Davis, in command of the South Atlantic squadron, have committed no act to subject them to the censure of this government or the investigation of a court-martial, said officers having, to the best of their judgment and understanding, complied with the instructions of the Navy Department, and received its approval.

5. That no legislation is required on the part of Congress, growing out of the facts stated in this record and the correspondence now on file in the State and Navy Departments.

6. That this committee be discharged from the further consideration of the subject.

TESTIMONY.

Statement of the Honorable Charles A. Washburn, late United States minister to Paraguay.

WASHINGTON, D. C., March 30, 1869.

By the CHAIRMAN:

Question. State whether you have read the memorial and statement of Messrs. Bliss and Masterman.—Answer. Yes.

Q. Have the kindness to give to the committee any information you have on the subject embraced in that memorial.—A. I know very little about it, because the most of the facts set out in the memorial occurred after I left Paraguay. I can corroborate that part of their statement relating to what occurred before I left the country. When I returned to Paraguay, about two and a half years ago, Mr. Masterman was a prisoner for some trivial offense and had been in prison for a long time. Mrs. Washburn being unwell, and there being no physician there on whom I could rely, I obtained his liberation from custody; and when he came out of prison, where he had been for eleven months in solitary confinement, I took him to live at my house; that was in October, 1867. He continued to live in my house and to attend as a physician in my family. He kept very close to the house, being afraid of being arrested again for something. Everybody there was afraid. There were people there who would have given all they had in the world for permission to stay in my house, believing that they would be safe there; whereas anywhere else they were liable to be arrested and carried off to prison. On the 21st of February, 1868, we heard that the iron-clads of the Brazilian fleet had passed Humaitá, and an order came that the town of Asuncion was to be vacated. The then foreign minister, Berges, who has since been shot as one of my fellow-conspirators, sent word to me that night to advise me that the order would be issued for the evacuation of the town. He wished to advise me beforehand so that I might get comfortable quarters outside. I told him that I would not leave; that the Paraguayan government could not order me to vacate the legation of the United States, and that I would stay. He said he felt sorry at my determination. But I said I would stay and keep my flag up. That night a great many persons came to inquire whether I was going to leave. I told them that I was not; that I should stay in the town. Many of them asked me if I would allow them to come and stay at my house. I told them I could not do that, because I had not room enough for everybody; but that I would take their valuables and give them as much care as my own. A good many persons brought their trunks and iron safes and articles of value and left them at my house. On the 23d or 24th the iron-clads came up; the town was then vacated. There were about 25 English people who came the next day after the order of evacuation and asked me if they could occupy the rear rooms of my premises. I told them I had no objection, but that I thought they had better get the consent of the government or it might be worse for them. They went down and saw the vice-president and the foreign minister, and represented that they wanted to stay and that I told them they could have some rooms in my house. The reply was that there was no objection in that case. Afterwards two or three others came to my house, including Dr. Carreras, who formerly had been head of the government of Montevideo, and who had come as a fugitive to assist Lopez two years before, but who had not been treated with any consideration and was not allowed to leave the country. Mr. Rodriguez, the former secretary of the Uruguay legation, came at the same time. He had been detained in the country after the legation was broken up. These two men came to my house. They said they were afraid to fall into the hands of the Brazilians, as they were known to be bitter enemies to Brazil. I told them they might stay; and they lived with me as my guests. They only wanted protection from the allies. They anticipated danger in case the town were taken, as we supposed, would be the case within three or four days. They remained several months at my house. The iron-clads came up on the 24th. There was a little fort having but one large gun and three or four field-pieces just below the town. Two of the iron-clads came up to this fort and began to fire at it, right in view from my front door and but a short distance off. They fired perhaps 35 or 40 shots and the fort replied with less than half the number, when the iron-clads turned tail and went away; and we heard no more of them for a long time. We thought that the thing was pretty much played out, but we could not understand why the allies did not return and do something. We

fully realized that Lopez must fall, and that the sooner he was overcome the better it would be. We felt that the people were being fast exterminated, and that if something were not soon done there would be no Paraguayan people left. Our situation was very disagreeable, and we therefore desired that the thing might end as soon as possible. At the time of the evacuation I told Mr. Bliss that I supposed there would be a good deal to be done of an official character, and I wanted him to come and live in the legation. I sent to the foreign minister a list of the persons who were in the legation, and received an answer to my communication. A good deal of correspondence took place. The names of Mr. Bliss and Mr. Masterman were both given in as belonging to the American legation. The war continued. There was nothing done to change the situation. Very few people were allowed to come into the town. Some of those who left property at my house came and got it. This condition of affairs was very tedious. We did not know what was going on below, and we could get scarcely any communication whatever. About the 5th of April I thought I must make an effort to get through some correspondence, and I wrote some dispatches and private letters. I wrote to the Secretary of State telling him that our situation was very disagreeable and dangerous; that we did not know what was going on below, but that we knew that the situation was very bad where we were and did not know whether we could ever get away. I wrote to some of my personal friends in stronger terms than I wanted to state the facts in an official letter, that if we did not get out of Paraguay pretty soon we would never get out alive. I afterwards learned that those dispatches did not get through. They were stopped by Lopez.

Shortly afterwards I received a letter from Commander Kirkland, of the steamer Wasp, that she had arrived at Curupaiti, below the Brazilian squadron, and had come up to be at my disposal to take me away if I wanted to go. The place where the Wasp was lying was 200 miles below Asuncion, where I was living. I wrote back to Captain Kirkland that I could not get aboard his steamer with my family unless he came higher up the river; that to go down by land in Mrs. Washburn's state of health was out of the question entirely, and besides that the allies had no right to stop him from coming up with his gunboat. I said that four years before, when the war was beginning, the Brazilian minister was detained at Paraguay, and that I, as the senior member of the diplomatic body, had taken up the case with the Paraguayan government and had insisted that he should be allowed to leave the country by steamer; that I succeeded on that occasion, and that I had a right to expect from the Brazilians that as much should be done for me, the American minister, as I had demanded for the Brazilian envoy. Captain Kirkland sent word back that the allies still refused to allow the Wasp to come up; that he had had quite an angry controversy with the commander-in-chief of the allies, and that he could do nothing, having received no orders from the admiral commanding on the station since he left Montevideo, and was going back. There we were left. The Wasp went back. Then we began to learn that everybody who was not in the army was being arrested. Nearly all the foreigners and all the better class of Paraguayans who had been employed in certain civil services about the new capital, were being arrested and carried off. We did not know what it meant. It was a matter which we talked over a good deal. We suspected that something had been discovered, some plot or other, but we did not imagine that any men would be such fools as to engage in a conspiracy there, because the system of espionage was so thorough that no two men dared to whisper to each other a word against Lopez. If they did it would be a race between them to see who would first report the other. It was a mystery about which we were all in the dark. In that state of affairs we were surprised one day by the appearance of Leite Pereira, the Portuguese acting consul and his wife. He said that his exequatur had been revoked, that he feared he would be arrested, and had fled to my house as a place of refuge. I knew that if I received him it would greatly enrage Lopez, and yet I could not think of sending him into the streets. I told him that I would consult with the others, Carreras, Rodriguez, Bliss, and others as to what I ought to do. I did so, and it was the general opinion that I had better allow him to remain. He did remain, saying that he would leave at any time when it was intimated to him that he had better do so. The only offense that he had been guilty of, as far as I knew, was that he had given all his own money, and all the money he could borrow, to relieve the necessities of the Brazilian prisoners of war. He spent one or two hundred thousand dollars in that way, and Lopez had the suspicion that he had some understanding with the Brazilian government. About a week or a fortnight after that I got a letter from the Paraguayan government inquiring whether the Portuguese acting consul was at my house. I replied that he was, that he came there as my guest, with his wife as a companion for Mrs. Washburn. Soon after I received an order to deliver him up to a policeman, who would be sent to receive him. I sent word back that I should not deliver anybody up; that if I found any person in my legation who had no right to be there, or who had committed any specific crime, I could only advise him to leave the legation, but that as to delivering him up to a policeman I would not do it. About a fortnight after that I got an enormously long letter reciting a great number of accusations and charges, and demanding that everybody not belonging to the legation should

be sent out of it. I called the Englishmen up and told them what sort of a letter I had received, and I said that they could go or not, just as they chose, that I should not turn them out, but that I apprehended that Lopez would get them one way or another, and that if he had to get them by force he would make short work of them. Leite Pereira, the Portuguese consul, said he would go. He seemed to think that his presence would rather hasten difficulties on the others, and he said that he would go and meet the accusation against him. Carreras and Rodriguez thought that nothing was intended against them. They were known to be enemies of Brazil and had sought the legation as a refuge against the allies. They requested me to write a letter stating that they would leave if it were insisted upon, but that they preferred to remain, and that I preferred to have them. I did so, and got a reply the next day stating that they were accused of grave offenses, and that they must appear before the tribunals. I told them then that they need not go unless they chose to do so; that if they remained I should give them all the protection I could, unless they were taken by force, or unless some specific charge was made against them. Up to that time no specific charge of any offense had been made against any one. In my correspondence with the Paraguayan government I stated that I was under no obligation to deliver anybody until some specific offense was charged against them; that none of those men had been charged with any particular crime, and that they had a right to be there. They were satisfied, however, that if they did not go, specific charges would be made, or else that they would be taken by force. I thought so too.

They said also that if I would agree to remain in the country till the end of the war they would take their chances and stay; but I told them I could not do that, because I was expecting every day to be recalled, and that if a new minister came he would probably live in some other part of the country, and they would be left to the tender mercies of Lopez. Finally they determined that the best way for them would be to go out and leave the legation. They started off about mid-day of the 13th July and were immediately arrested. The same day that they left I received another note from Benitez, the same man with whom I had been carrying on the correspondence. His correspondence was very jesuitical, so much so that I could not but think that he was a great scamp; but as he was afterwards shot with the rest for being a conspirator with me I forgave him. This letter told me that Bliss and Masterman were required to be given up as being equally guilty with the others. I wrote in answer that those men belonged to my legation and that I would not deliver them up. We had a great deal of correspondence about that matter. Benitez pretended that they did not belong to the legation and I insisted that they did, and that I should stand by them. I said that if the government was certain that they did not belong to the legation they had a right to take them in the way that the international law prescribed, but that they must take the responsibility of violating the legation. They remained until I left, but it was a terrible time. There was a gloom that could be felt in the atmosphere. The Paraguayans whom I met in the street did not dare to look at me, and it was the same with some few Englishmen and others who were at work in the arsenal. If I met them in the street they were afraid to speak to me. It was a most terrible state of affairs. All of us foresaw pretty well that Lopez was intending to kill us all if things continued so much longer. The correspondence was getting worse and worse every day. We could see that he was closing his meshes around us, for of those he had made prisoners he had published what purported to be their declarations, made by them while prisoners. We knew there was not a word of truth in those declarations, not one word so far as they implicated any one in my house in a conspiracy. They purported to give accounts of correspondence which I had been having with Marshal Caxias, the Brazilian commander-in-chief, and with other enemies of the republic, and of conversations that I had had with the conspirators inside of Paraguay. As I knew that these people when they left my house absolutely did not know of any such thing, I was convinced they had never made any such declarations, or if they had, that they had made them under torture. There was not a word of truth in them. In the meanwhile I had received from Benitez a request for a package of papers which Berges, the former foreign minister, (the same who came to this country as the commissioner from Paraguay in 1859, and who had been arrested, taken to headquarters and shot,) had left with me. The letter was in substantially these words: "You will please deliver to the bearer of this a certain package which was delivered to you by the ex-Minister José Berges, the day after his return from the camp to his house. Those papers are of very great importance to the government." I replied that I had never had any such papers, had never seen them, and that I had not seen Berges for a week or fortnight after he got back from headquarters. I had heard he was very sick, and called as a matter of courtesy to see him. I found him partly paralyzed, and expressed some words of sympathy and asked him if I could do anything to serve him; he said no, and I went my way; I called again a few days afterwards and had a few words with him of the same purport, and that was all I had seen or him; he had never given me a paper nor said a word about any conspiracy or about anything that was not perfectly loyal and devoted to the government of his excellency

Marshal Lopez. I stated this in my letter. I saw, when I got this demand for those papers which had no existence, that the clouds were gathering about me as thick as about anybody else, and that unless the gunboat came very soon Lopez would find some plausible pretext for arresting me.

We were expecting every day for two months that the legation would be entered, and that Bliss and Masterman would be taken away by force. In fact, they had their carpetbags ready for two months, to take up at a moment's warning. I was expecting that my house would be searched; I had some papers which I did not want Lopez to see, because I had been taking notes in Paraguay, with the idea of writing a book some time, and I knew that if he got hold of those papers they would never leave Paraguay, nor I either. I was anxious about those papers and took great pains so that he could not find them. I afterwards got them away. They were the only things in my house that I was not perfectly willing he should examine. I got notice about the 1st of September that the Wasp had arrived and was down the river, opposite Lopez's headquarters. In the meanwhile Caminos, the new foreign minister, after the arrest of both Berges and Benitez sent me a letter of 50 closely written pages, in which he gave the declarations of all the principal men, Berges, the two brothers of Lopez, his chief justice, Dr. Carreras, Rodriguez, and others, in which they made out a quantity of charges perfectly astounding—declarations which it was said they had freely confessed before the solemn tribunals of the country concerning the part I had taken in the conspiracy, and the part which they had taken. In the meanwhile I had asked for my passports several times, but could not get them. I was convinced that Lopez did not intend that I should get out of the country. When this long letter came it concluded by saying that the Wasp had arrived to take me away; that the government had been informed of my complicity with the conspirators, and with the allies, for a long time; and that it would have been justified in withholding any communication or correspondence with me; but that for the great regard which he had for the great republic of the United States, he would send me my passports, and would provide me with a steamer to take me down the river where the Wasp was lying whenever I required it. The new foreign minister, Caminos, wanted a list of the persons who were to go. I had got a letter before that requiring a list of all persons for whom I wanted passports, and I sent it. He sent me the passports next day, omitting the names of Bliss and Masterman. All the others whose names I had given him were included in the passports. But they did not get the steamer ready for me for four or five days more. I could see that Lopez was still hesitating whether to let me go or not. I got a letter from Caminos, the new foreign minister, requesting me to stay till the Paraguayans who had left their property in my hands had time to take it away.

I told him I should not wait a moment for that purpose, that I should leave the property there in charge of some responsible person, and that the owners could get it just as well after I had gone as while I was there. A number of the foreigners who had sent property to my house sent for it and got it and took it away. We had about two notes a day passing between us, I all the time insisting that I was ready and wanting to go, and they making excuses for my detention by this, that, and the other pretext. At last, on the 10th of September, I was told that the little steamer would be ready that morning, and that I could go on board. Four days before that I had sent nearly all my baggage on board, all except some light trunks; it was on board the steamer for that length of time. The fact that I found it had not been opened, convinced me that Lopez himself did not believe a word of that conspiracy, because many of those deponents had testified to my having received enormous sums of money, which, if it were true, must have been with that baggage; but as he did not, so far as I could discover, open it or take any means to ascertain whether any money was there, I was satisfied he did not believe a word of those stories. At last we got ready to go. Bliss, Masterman, and myself talked it over as to what it was best to do—whether it was best to make a protest that I should refuse to go without them, or whether I should march out of the legation with the American flag flying covering all of us. But we knew that anything that we might do of that kind would have no good effect; that it would only enrage Lopez, and that a very little thing would induce him to stop all of us. Our united opinion was that if I could get away and give the alarm to our squadron as to their situation, it would be the best thing for me to do. They thought that probably before they would be killed, something would come to their relief. I started my family ahead of us so that they could not see anything of what might transpire. The French and Italian consuls went down to the steamer with us. We had got to the front door of my house, and just as we stepped off the corridor into the street, there were about 50 soldiers, without any officers that I could see, and not one of whom, I suppose, could speak Spanish, who rushed in and caught Bliss and Masterman, and a negro servant whom Carreras had left there, and took them right off to prison. I went down to the little steamer and went aboard, and soon afterwards she got up steam and went down to where the Wasp was lying, about 20 miles down the river. When on board the Wasp, Captain Kirkland told me of the difficulties he had had in getting there. He had been sent up the first time by Admiral Davis, with orders to

proceed to the seat of war and communicate with me and take me away, if I wished to go. The seat of war was 200 miles from where I was, and his vessel might as well have been on the coast of Africa as at Curupaity, so far as I was concerned. He could not go further up the river and so he returned. When he started the second time he was informed that the Brazilian government had promised to withdraw all obstructions to the Wasp going up. General Webb had made a fierce warfare upon the Brazilian government, and had threatened to ask for his passports and to break up his legation unless the Wasp were allowed to go to my relief. Captain Kirkland had nothing to go upon except his information that the obstructions would be withdrawn, and he was instructed by Admiral Davis to go up the river again, and to carry out his former instructions which he had had, and which, as he said to me, were no instructions at all; the whole responsibility being on himself. Caxias attempted to stop him again, but Kirkland sent word that he was going through. He was not stopped but came up to Lopez's headquarters. He then told me of the interview which he had with Lopez. He told Lopez what he had come for. Lopez said that his relations with me were very bad; that I was in collusion with the conspirators and with the Brazilians. Kirkland laughed at him, and said that Caxias hated me worse than anybody else, that he had done everything to injure me, and had tried to stop him from coming up to take me away; that the Brazilians and allies generally looked upon me with more aversion than upon anybody else; and that the idea that I was acting with them was perfectly absurd. Lopez said that he had no doubt of my collusion with the allies, as he had the proofs of it. They had a good deal of conversation. Kirkland said to Lopez, as bravado to intimidate Lopez, as he told me, "You had better not touch that man; he has got some friends; he has got a brother who is a great friend of General Grant's. General Grant is going to be the next President, and E. B. Washburne will be Secretary of State. If anything happens to Mr. Washburne, the United States government will hunt you all through Europe, and have your head certainly. Besides that, there are six monitors already on the coast of Brazil, coming down to fight Brazil for having stopped the Wasp before, and if you touch him these monitors instead of fighting Brazil will turn against you and knock Asuncien about your ears before you know it." Lopez finally said he would let me go, and Captain Kirkland gave me the idea at that time that he had bullied Lopez, and had frightened him. Several days passed. I think he was still hesitating whether he would keep me or not. At any rate I did not get away and get on board the Wasp for several days. After I was on board, Captain Kirkland went again to see Lopez and had a good deal of talk with him. I do not know all that transpired, but Kirkland, when he came back, seemed still to be of the same opinion about Lopez. He said he was the biggest fool he had ever seen in the world; that he saw right through him, and that when he talked to him in that kind of a way, he could see that he wanted to order his arrest and to shoot him. He said that he went to visit him prepared, if any demonstration was made to arrest him, to defend himself. That was his feeling. At least that is what he stated to me 20 times on the voyage down the river, as to what took place between him and Lopez. But afterwards when he got to Buenos Ayres, and found that General Webb and Admiral Davis had quarreled, and that the current was very strong against me, he modified his views very much in a letter to Admiral Davis, and said that he did not understand there was any threat from Lopez to keep me, and that he was treated with great courtesy. Well, he was treated with courtesy. And I was told quite a number of tales of Paraguayan yerba were brought aboard and were afterwards advertised for sale in Montevideo as Paraguayan yerba, brought by the United States steamer Wasp.

By Mr. SWANN:

Q. Masterman and Bliss were the only persons of your legation that were arrested?—
 A. Yes; they were arrested as we left the house. I wrote a letter to Lopez from on board the Wasp, telling him that there was not a word of truth in the declarations which purported to have been made by Carreras and his two brothers and the others, and that he knew there was not, and I told him that if they made these statements they were made under torture, and that the only way he had to prevent them from denying the statements afterwards was to kill them, and not only kill them but kill the persons before whom the statements were made. I protested, too, against the seizing of Bliss and Masterman, as being as much a violation of my rights as minister as though the soldiers had entered my house and took them away by force, and I confirmed the statement of Captain Kirkland to him, that if he had detained me and kept me a prisoner, the United States would have hunted him through the world. I read the letter to Captain Kirkland, and he made no objection to it. The strange conduct of the navy has been a mystery to me. The newspapers have represented that they found that Bliss and Masterman were well treated by Lopez, that they were in good health, and that Lopez was a very much abused man and much maligned by me. But as he has since then killed nearly all the foreigners that were in the country, and killed his brothers and sisters, and very likely his mother and his brothers-in-law, and as the few who have escaped have confirmed everything I said and a hundred times more, I do not know what our naval friends will say now.

Q. Bliss and Masterman were thrown into prison immediately, I suppose?—A. Yes; they were taken, so they say, to prison that day. They were stripped immediately and searched, and then were taken on muleback out of the city, laden with heavy fetters.

By the CHAIRMAN:

Q. State how they left the legation.—A. We started together; they were with me, right by my side.

Q. For what purpose did they start?—A. They were going to leave the country with me, unless they were arrested. If they were taken at all I wanted them to be taken by force, and not to deliver themselves up. They state in their memorial how they were treated.

Q. How did they leave you?—A. I occupied a large house with a long piazza in front; we went out together; I was a little in front; the two consuls, French and Italian, were one on each side of me, and Mr. Bliss and Mr. Masterman were directly in my rear. Just as they stepped off the piazza this crowd of Indian soldiers rushed in and seized them by force and hustled them off; there were probably about 50 soldiers.

Q. Did you ask passports for these men?—A. I did, and was refused them.

By Mr. JUDD:

Q. Who is Bliss?—A. He is the son of the Rev. Asher Bliss, of South Valley, Cattaraugus county, New York.

Q. How long had he been in Paraguay?—A. He had been there three or four years.

Q. In any public capacity?—A. He had begun getting up a history of Paraguay in Spanish. He is a very fine Spanish scholar, and had got a good deal of material for his history, and had received some pay from the government for getting it up.

By Mr. WOOD:

Q. What, in your judgment, was the cause of the arrest of those two men?—A. That is a mystery. Bliss thinks that Lopez believed there was a conspiracy, but I do not think he believed so. There never was anything of the kind. He got insane and savage, and seemed determined to destroy everybody. He told me two years before, when I saw him at his headquarters, that if he must go under, at least he was not going to leave anybody or anything behind him; and he is carrying out that threat now. He was determined to kill off everybody in the country.

Q. Was there no motive for that?—A. I do not know what it was.

By Mr. SWANN:

Q. Did Bliss mix up with the politics of the country?—A. No, sir.

By Mr. WOOD:

Q. Had he offended Lopez in any way?—A. No; nobody had given cause of offense to Lopez that I know of. Lopez was offended with me because I staid in the capital after he had ordered it to be evacuated. The Italian and French and Portuguese consuls came to my house late at night, when the order of evacuation was issued, and asked me what I was going to do. I told them I should stand my ground; that I would not go out of the town; and that the United States legation was, for the time, United States territory. The Portuguese consul was for doing the same thing; and the Frenchman said no, he did not think it would be safe; the iron-clads would be there, and would bombard the town and knock it all to pieces. I told him I was not afraid of my house being bombarded, and that I would stay any way.

By Mr. SWANN:

Q. What was the Frenchman's rank? Was he consul?—A. No; he was acting consul. He was only sent by the minister at Buenos Ayres to relieve the former consul. The Italian was a regular consul.

By Mr. ORTH:

Q. What other foreign ministers were there at the time?—A. There were no others but myself. The Portuguese consul wished to remain, but the next morning he had an imperative order from the government that he must get out of the town that day or that it would be worse for him. The other two consuls decided to go of their own accord.

By Mr. WOOD:

Q. How long has Lopez governed Paraguay?—A. He was elected in October, 1862. His father died in August, 1862, I think. He elected himself. He was the minister of war under his father, and had command of the army, and he just took possession when the old man died. The government at Asuncion has to each district a chief and a judge, and they constituted the government of that district, and sent to the congress in Asuncion the men that Lopez wished; but even then he was afraid there was a conspiracy, and there were a great many people arrested. It was reported that his brother, who has since been shot, was engaged in the conspiracy, and that Padre Maiz, who has been

a sort of head inquisitor lately, was getting up a conspiracy against Lopez. At any rate there were very strong precautions taken, and there was a great military demonstration made. The congress was held in the Cabildo, or government house. It was surrounded by soldiers. One of the richest men in the country ventured to remark in the congress that Francisco Solano Lopez was not the proper person to be elected; that the constitution of the country declared that the government should not be the heritage of any one family, and that therefore the son of the deceased president should not succeed him. That objection was negatived, and everybody voted for Francisco Solano Lopez, and he was elected. This gentleman was immediately put in prison, and was never heard of afterwards.

By Mr. SWANN:

Q. Were those conspirators tried by civil or military tribunal?—A. By military tribunal. There is no law there, and nothing whatever but the will of Lopez.]

By Mr. JUDD:

Q. Mr. Bliss was out there as a literary man?—A. Yes; he was a great scholar.

Q. And was not mixing up with their political affairs?—A. No, sir; nobody was mixing up with their political affairs. Nobody there dared say a word but "*Viva el grand Lopez!*" His little paper is filled up with nothing but flourishing adulations of the great Marshal Lopez. All the time before the evacuation they were holding public meetings—every week or two—to make presents to Lopez. Even the women and children had to give away everything they could scrape, to show their appreciation and gratitude to him; there was no resisting it. Nobody dared to hold back or to refuse to contribute. They gave him a great big album with gold covers a quarter of an inch thick—those people who could not get enough to eat themselves. That was going on all the time. I lived there so long that I got the confidence of quite a number of people, Paraguayans. They thought I was a safe person to talk to. They even told me that there was the most universal hypocrisy there; that there was not a man, woman, or child who would not be delighted to know that Lopez was 40 feet under ground. They had to go to those meetings, and to make speeches, and to offer their lives, fortunes, and everything else; even the women offered to take up arms under his imported mistress, who generally took the lead among the women—I mean Mrs. Lynch.

By Mr. WOOD:

Q. I believe Lopez has been put down?—A. He has fled to the mountains. The legation that succeeded me has gone with him.

By Mr. SWANN:

Q. Is Lopez a young man?—A. He is 45 years of age.

By Mr. ORTH:

Q. Where is the necessity of having any American minister at Paraguay?—A. I do not know that there is any more reason for having a minister there than there is at three or four other South American governments. If the government there was different, there is a field for a great and profitable commerce.

By the CHAIRMAN:

Q. Do you know anything about the treatment of Masterman and Bliss?—A. Nothing but their own statements. I do not know what explanation the Paraguayan government gave to my successor, General McMahon, but it seemed to satisfy him. And Bliss and Masterman, as they say, were received as criminals and treated as criminals while they were on board the Wasp and on board the Guerriere. I had advised General McMahon verbally and by letter of the situation of affairs in Paraguay, but he acted on the statement of Lopez, in preference to mine.

By Mr. WOOD:

Q. What course has the English government taken with reference to Mr. Masterman, who is an Englishman?—A. It has not done anything. I saw the English minister in Buenos Ayres, and he said that, as Masterman was connected with the United States legation, it would devolve on the United States government to rescue him, rather than on the English government.

Q. You recognized Bliss and Masterman as being attached to your legation?—A. Certainly I did. Masterman had been in my house eight or ten months, or longer. He had lived in my family, and nothing had occurred to change our relations except that the legation moved away, and he was bound to move with it.

By Mr. WILLARD:

Q. Do you know whether our naval officers who held Mr. Bliss as a prisoner had any information in reference to his participation in Paraguayan affairs except what they got from Lopez?—A. I had told them that there was no conspiracy, and there was none. I wrote a private letter to General McMahon, and said that, in my opinion, he ought not to go near Lopez.

By Mr. WOOD:

Q. Was there any other charge against them except that of conspiracy?—A. None whatever.

By Mr. JUDD:

Q. Was it made known to Admiral Davis, or to Captain Kirkland, or to your successor, that those gentlemen had been connected with your legation, and were forcibly taken from it before they were received as prisoners?—A. Certainly. All my correspondence on the subject was published in the papers in Buenos Ayres, in three languages, and I detailed the whole affair to them verbally also. Bliss and Masterman were received on board the Wasp, as they state, at midnight. Captain Kirkland came out on deck with the master-at-arms, and said: "Take those men forward, and put a guard over them, and see that they don't loaf about." Masterman made some objection to being treated in that way, but Kirkland replied very sharply and sent them forward. There they were covered with vermin and had nothing to sleep upon that night except on the deck of the vessel. Neither the admiral nor Captain Kirkland took any pains to make them more comfortable.

Q. I wish to have the fact distinctly stated whether, before those naval gentlemen treated Bliss and Masterman in that way, they were advised by you of the relations of those men to your legation?—A. Certainly they were.

By Mr. AMBLER:

Q. I understand you to say that you gave Captain Kirkland a full history of the transaction.—A. Certainly. And in the letter which I sent back to Lopez, and which Captain Kirkland read, I protested against his having taken those two members of my legation.

By Mr. WILLARD:

Q. Did you communicate to Captain Kirkland the fact that you told Bliss and Masterman that they might make any confession they chose.—A. I told them that if they could save their lives they might make any confession they pleased.

Q. Did you communicate that fact to Captain Kirkland?—A. I do not know that I did, but I told him that the letters received from Bliss, one to him and one to me, after I was on board the Wasp, had been forced from him, probably by torture, and I think I told him that I had given both him and Masterman full liberty to say anything about or against me that could save their lives. I said to Bliss and Masterman, "You may say anything about me that you think will help your case. You may say you saw me steal sheep or commit burglary, if you think you can thereby prolong your lives. Nobody would believe a word of it, in Paraguay or out of Paraguay, and it can do me no harm."

By Mr. SHELDON:

Q. Did you have any talk with Captain Kirkland, in which you suggested that those declarations of Bliss and Masterman had been forced from them by torture, and were entirely untrue?—A. Only in regard to those letters received on board the Wasp. The later declarations had not then been made; at least we knew nothing of them. It was shown in my correspondence, which is very long, and which was read by everybody there, that all these pretended depositions were false, and had been made, if at all, under torture. In my letter to the English minister I stated that there was no conspiracy, and that these men belonged to my legation.

By Mr. AMBLER:

Q. This publication in the newspapers to which you refer was in Buenos Ayres?—A. Yes, sir.

Q. Was it before the Wasp returned to bring away Bliss and Masterman?—A. Yes, sir.

Q. Have you copies of that publication?—A. Yes.

By the CHAIRMAN:

Q. What is the article "yerba" that you speak of.—A. It is Paraguayan tea. Bliss and Masterman stated that while they were undergoing examination before the inquisition, of which Captain Kirkland and Captain Ramsey seemed to be members, they noticed that presents were made to those officers at that time.

Q. You know nothing yourself of what you call the inquisition?—A. No; of course I was not present. I will get the several papers and documents to which I have referred and present them to the committee.

WASHINGTON, D. C., April 1, 1869.

The Hon. Charles A. Washburn appeared before the committee and continued his statement as follows:

I was speaking the other day of Captain Kirkland and of his conduct. I stated that his representations to me on board the Wasp were very contradictory to the statements which he made afterwards. When I first heard from him on his going up the river, he

sent me a letter complaining very much of the treatment he had received from President Lopez. He said he had arrived there and been treated with great discourtesy by Lopez. He said he could not learn where Lopez was or where I was, and that he was waiting with great anxiety. I sent him a reply that I was at Asuncion, and was prepared to embark immediately. He had asked me where I wished to embark, and I told him I wished to embark at Asuncion, but it was some time afterwards before I was able to get away, as I stated the other day. Then when I got on board he represented to me what his interviews with Lopez had been and what Lopez had said to him. He represented that he had bullied Lopez, that he had threatened him with the whole power of the United States if he ventured to lay hands upon me, and that he stated things which he did not believe and which I did not believe, many of them false, purposely to bully Lopez. He told him, for instance, that there were six iron-clads on the coast and that my brother Ellihu was to be Secretary of State, which neither he nor I believed at the time. But he supposed that such talk would intimidate Lopez and induce him not to proceed to extremes. On these representations of Captain Kirkland's, I wrote to Admiral Davis, commending his conduct in the highest terms, and stating that I believed that by his manner of defiant attitude and by the fact that he talked Spanish well, he had been able to frighten Lopez to give me up, whereas a different kind of a man might have been frightened away himself and left me there. I approved Captain Kirkland's course then, and I believe I did so justly. He repeated this conversation which he had had with Lopez more than twenty times to me going down the river. He said that Lopez was the biggest fool he ever saw in his life, that he could see right through him, that he knew how to take him and that he took him on his weak side. I believe that he did me a good service and I was willing to testify to it, as I did in very strong terms. When he came down to the mouth of the river he learned that there was a bitter quarrel in Rio between General Webb and Admiral Davis. General Webb had complained of the tardiness of the Admiral in going to the rescue of Bliss and Masterman. General Webb had also quarreled with the Brazilian government on my account. If the Wasp had not got there for two weeks longer I presume I would not have left Paraguay alive. I owe everything to General Webb for the energy and promptness with which he acted, but the sentiment of the squadron appears to have been such that Captain Kirkland wrote in very different terms to Admiral Davis for some reason or other. I do not imagine that he was influenced by the presents which he had received from Lopez. I do not suppose so. I spoke of them the other day; some of them consisted of bales of Paraguayan tea, which is a valuable article. But I do not think he was influenced by them; else, why should he have spoken in such bitter terms of Lopez while we were going down the river? But he wrote to Admiral Davis (which letter was published in the papers through the country) representing that Lopez had treated him with great courtesy and had expressed his wish to cultivate the most friendly relations with the United States, and he gave the inference that Bliss and Masterman were in no danger. And yet, at the very time that Kirkland was there in the company of Lopez, these two men were under torture. Masterman was nearly killed with torture at the same time that Kirkland was in the company of Lopez and Lopez was professing great friendship for the United States. He wrote in a private letter to Admiral Davis, which is also published in this correspondence, that I had misrepresented the state of affairs there somewhat, that he did not understand Lopez as threatening to keep me at all, and that the construction which I had put on his words was different from his idea. This letter Admiral Davis has sent on to justify his course in not being more prompt, as he had the evidence of Captain Kirkland that these men were in no danger and that there was no necessity for prompt action. When Bliss and Masterman came down on the Wasp they were transferred to the flag-ship *Guerriere*. For the first eighteen hours that they were on board, as they told me, they were at liberty and were allowed to talk with the officers. They had heard that a steamer was to leave the next day for the United States. Mr. Bliss wrote a letter to his parents and sent it on, in which he stated that he was well treated on board the *Guerriere*; and I see from the New York papers a statement which appears to be made out in the interest of Admiral Davis, that I had written letters highly complimentary to Admiral Davis and to Captain Kirkland. I had done so especially in reference to Captain Kirkland. The New York Tribune also states that Mr. Bliss in a letter to his parents says, "I am under no restraint on board this magnificent vessel, were I am treated with every attention by the officers." That was true for ten or twelve hours after he came on board, but the next morning an official letter was read directing that he and Masterman should be held under surveillance by a non-commissioned officer, and that they were to hold no communication with the shore. I saw Mr. Masterman in New York the day he sailed for England, and I spoke to him in reference to this publication of Bliss's letter, where he spoke of being under no restraint. He thought it over and he wrote me a letter which I wish to have inserted in this testimony. It is as follows:

"NEW YORK, *March 11, 1869*

"DEAR SIR: My attention has been called to a paragraph in to-day's Tribune, in which a portion of a letter is quoted from Mr. Bliss, in which he says: 'I am under no

restraint on this magnificent vessel, where I am treated with every attention by the officers.' Now this apparently clashes with my statement, that we were treated as prisoners on board that vessel—the explanation, however, is simple enough. We went on board the *Guerriere* on the morning of the 18th of December, 1868, and for that day were left at perfect liberty, and several officers spoke to us in a friendly way, but the *next morning* the captain of marines read an order to us in these terms, as far as I can recall them. 'Messrs. Bliss and Masterman will remain under the surveillance of a non-commissioned officer, &c., and will not be permitted to communicate with the shore in any way; should they attempt to do so, he will immediately arrest them.' The consequence was, not an officer (except Dr. Duval) would speak to us, and we were regarded as prisoners by all on board, and I certainly considered myself one. The letter in question, of Mr. Bliss, was written on the 18th or early on the morning of the 19th, when we were at perfect liberty on board the flag-ship.

"I am ever, dear sir, very faithfully yours,

"G. F. MASTERMAN.

"Hon. C. A. WASHBURN."

(Extract from the New York Tribune.)

"In accordance with the desire expressed in this letter, two officers were sent on shore to witness the verification of the declarations of Messrs. Bliss and Masterman, and on the 10th those two gentlemen were received on board the *Wasp*. A sealed package addressed to Secretary Seward was received at the same time. It will be remembered (Admiral Davis makes no allusion to the fact) that the declarations made by Bliss and Masterman in the presence of our naval officers implicated themselves and Mr. Washburn in the alleged conspiracy against Lopez. After their release they retracted all the statements of these declarations, declaring that they had been extorted by physical torture and threats of death. It does not appear from this correspondence that the two gentlemen were 'received as prisoners,' as they themselves state, and it may be as well to remind our readers that in a private letter written by Porter C. Bliss to his parents, and dated on board the United States flag-ship *Guerriere* off Montevideo, December 19, published in the *Tribune* February 1, Mr. Bliss says: 'I am under no restraint on board this magnificent vessel, where I am treated with every attention by the officers.'"

Now, in reference to the position which these men held in my legation at Asuncion: Here is a letter which I wrote to Benitez on that matter, in which I argue the case, and which I think may also go in with my testimony. It sets forth all the facts as to whether they were members of the legation or not.

(The letter is annexed to this testimony, marked Exhibit A.)

Here is a letter which I wrote to President Lopez after I got on board the *Wasp*, wherein I denounced him as a common enemy for having taken by forcible means two members of my legation, also for having entered the houses of foreigners and stolen their money, on the pretext that his treasury had been robbed.

(The letter is annexed to this testimony, marked Exhibit B.)

I read that letter to Captain Kirkland before I sent it, and he made no objection to it. How he could have written as he did afterwards, I do not pretend to explain. Before I had sent this letter I received letters from Mr. Bliss, written after he had fallen into Lopez's hands, and written by dictation. He was obliged to write them over two or three times, with a man prodding him. He states that, having got out of my power, and being at full liberty again, he can tell the truth about me. I had two other letters of his which he had written to send by me to his friends before I left Asuncion. One of them was addressed to the Rev. Mr. Goodfellow, of Buenos Ayres, and the other to a gentleman in Rio, both friends of his, in which letters he expressed his highest appreciation of my services and of my efforts to save him. His other letter will show, of course, that it was written under compulsion.

(The letters referred to are annexed to this testimony, marked Exhibits C, D, and E.)

Then here is the letter which I wrote to Mr. Stuart, the English minister in Buenos Ayres, in which is given a more succinct and better account of the state of affairs in Paraguay than I was able to give in my testimony the other day, which I also desire to be made part of my testimony. It was published in part with the other documents of the State Department, but only a portion of it was published. That part of it in which I reflect severely on Lopez is left out.

(The letter is annexed to this testimony, marked Exhibit F.)

I also submit a letter received by me since then from Mr. R. von Fischer-Treunfeld, Lopez's constructor of telegraphs. He was at liberty when I left, and was soon afterwards arrested, taken to headquarters, and put in the stocks. By a wonderful chance he escaped, although Lopez had sent orders to have him killed. In fact, he had been ordered twice to be shot, but he escaped and wrote me this letter, giving me a full ac-

count of events which had happened under his own observation, in which he testifies of me in the kindest terms, and says he has understood that I have got into trouble with my own government, but that when the facts come out, everybody will speak in justification of me. He says that I did all that was possible for any human being to do to save the people. This letter I should like to have go in my testimony. It is a very interesting letter, and has been published in the Tribune and Times, of New York.

(The letter is annexed to this testimony, marked Exhibit G.)

Then I wish to say something more in reference to the predecessor of Admiral Davis. The resolution under which the committee is acting calls, I believe, for an investigation from the time of the commencement of the war. I shall state in reference to Admiral Godon, of the New York navy yard, facts which, if I prove them, ought to drive him out of the navy, and I wish that he may be present when I give my testimony.

Here is a private letter which I wrote after I arrived at Buenos Ayres, to my successor, General McMahon, in which I recite the situation of affairs in Paraguay, the circumstances that had occurred to me, giving a list of matters which I would like to have looked into, stating where I had left property belonging to certain individuals deposited with me, and telling him what my ideas were as to what he should do, &c. It appears that he has taken an entirely different course, and made friends with Lopez, and, I suppose, has apologized for my bad conduct. He is now there with Lopez, and whether he ever gets away alive is very doubtful to me.

By the CHAIRMAN:

Q. Where do you suppose Lopez to be?—A. He is back in the mountains. Lopez, unless he can make General McMahon useful, will kill him. If Lopez is determined to carry out his threat never to leave Paraguay alive, McMahon will never leave it alive either; that is my opinion. The report which he made, as the newspapers have stated, was that Lopez had been greatly slandered and maligned by me, but since then Lopez has killed nearly every foreigner in the country, and he will kill McMahon yet if he finds it necessary to his plans to do so.

Q. Have the foreign governments taken any action in reference to Lopez's conduct?—A. Not at all; not any.

(The letter to General McMahon is annexed to this testimony, marked Exhibit H.)

I was 14 months getting from New York to Paraguay, owing to the strange and perverse conduct of Admiral Godon, and I am prepared to show that he acted not only strangely but maliciously, and that he misrepresented affairs to the Secretary of the Navy, and made many absolute misstatements. I charge Admiral Godon with having caused me unnecessary delay in getting to my post, with not having obeyed his orders, and with having misrepresented the condition of affairs, and given false reasons for his refusal to send me to Paraguay. I arrived in Rio about the 1st of October, 1865. I then told Admiral Godon that without the aid of a gunboat I could not reach my post. He said he should follow down to the mouth of the river, and that if he found it was so he would send me up. He said he would follow in 10 or 12 days after I left, but instead of that he was six weeks before he reached Montevideo, and then he would not send me to Asuncion, but would not say that he would not do so. I wrote him two or three times from Buenos Ayres, telling him that I was in a very unpleasant situation, and that I could not get through. I twice went from Buenos Ayres to Montevideo to urge him to send a gunboat to Paraguay. He hesitated for a long time, and finally, when he reached Buenos Ayres, said he would not send me up at all. I left my family at Buenos Ayres, and tried to get through to Paraguay without a gunboat. I was humbugged and deluded by the allied commander-in-chief, President Mitre, who first promised to allow me to go through, but afterwards declined to do so, although I had, on the strength of his promise, gone back to Buenos Ayres and brought my wife and servants with me. He then refused to let me go through, and I was there at Corrientes for five months under most disagreeable circumstances, Admiral Godon did nothing, and refused to do anything, although he knew my situation. I had to write to the Secretary of State in Washington, telling him how I was situated, and he sent out orders that that thing was to stop—that I must go through—and orders were sent to Admiral Godon that if I could not get through otherwise, I should apply for a gunboat, and he must send me through. I applied for a gunboat, and Admiral Godon told me that I had not obeyed fully my instructions from the Secretary of State. As I did not understand him to be the interpreter of my instructions, I thought it was very impertinent for him to say so. I did everything I could do to get through. I had visited and written to President Mitre so often that he finally told me he would have no more correspondence with me on the subject. Admiral Godon had received his instructions to send me forward, and did not obey them. Finally, General Webb, who had been home on leave of absence, returned and began to move in the matter, and General Asboth, who went out as the new minister at Buenos Ayres, also began to move in the matter. Admiral Godon finally, without any more instructions, did send the gunboat, and I got through safely, very much to his disgust. I was exposed to every inconven-

ience, and to a very unhealthy situation, by his perverse conduct. There was great scandal on the subject. I was ashamed to walk the streets of Buenos Ayres, for I could not open a paper in the morning without seeing something in it about the American minister to Paraguay, and about his being detained there, and what he was doing so long in that place. I wanted to get out of it. I told Admiral Godon that if I could retire without disgracing the country, I would do so and return home. I told him that the allies had no right to stop me going to my post, but he could not see it. He said it would take coal to send the gunboat with me. The merchants of Buenos Ayres offered to furnish the coal gratuitously if he would send up the steamer, but he said that would make no difference. The feeling was very strong against him. He had no friends there. Finally, however, I got through. He not only got to be very bitter and abusive of me, but even the men under his command who did not join with him were also abused. Captain Wells and Captain Crosby were almost persecuted out of the navy because of their friendship to me, and of their friendly intercourse with me. Personally I have more feeling in regard to this man than in regard to Admiral Davis.

By Mr. SWANN:

Q. What motive could have influenced Admiral Godon?—A. He wanted it impressed on everybody that he was the representative of the great republic, and that nobody else was of any importance whatever. He said so verbally in regard to United States ministers a good many times. He always spoke with the utmost contempt of all ministers of the United States; said that he was not responsible to them and did not care anything for them; that they were political humbugs, and worn-out politicians, &c., who were sent out there to get rid of them. That he was admiral. His conduct was most ridiculous and scandalous.

Q. Had he seen your instructions?—A. Yes. I sent him a copy of them. They appear in the diplomatic correspondence of the State Department.

Exhibits annexed to statement of Hon. Charles A. Washburn.

EXHIBIT A.

Mr. Washburn to Señor Benítez.

LEGATION OF THE UNITED STATES,
Asuncion, August 13, 1868.

SIR: Excusing myself for the delay in answering that part of your note of the 31st ultimo, relating to the case of Mr. Bliss and Mr. Masterman, which I have deferred in order to answer the part of it which seemed to me of more pressing importance, and also to answer your subsequent very long note of the 6th instant, I will now proceed to give my reasons why I have not dismissed those two persons from my legation, and why I ought not to do so.

At the conclusion of your note of the 31st ultimo, you say that you have not the remotest doubt that full and inflexible justice would be done by the American government, and then ask if it can be in full possession of the case, as is the national court of justice; if it would send the record of its trial for a new substantiation, if it could do so, and would its administration of justice be sufficiently timely?

To these questions I will remark that there would undoubtedly be considerable inconvenience in sending these persons for trial to the United States; but that does not affect the law in the case in the least. Whenever an embassy is received from one government by another, the latter accepts it under the conditions imposed by the law of nations. This law is of such importance that its rigid observance is indispensable for the peace of the world. It is only under the protection of this law that nations can negotiate with each other, as to carry on their negotiations it is necessary, especially in time of war, that there should be some persons who should enjoy entire security and immunities from the local laws. This code, universally recognized as binding on all nations, has been of the greatest advantage to them all; but it also has its disadvantages. Under it the nations that receive foreign embassies are required to concede to them certain privileges, which are not conceded to any other persons. They resign the sovereignty over the premises occupied by the ambassador, and by the fiction of extra-territoriality his legation is considered as the territory of his own government. Except under very extraordinary circumstances his house cannot be entered by the police, and no member of his legation can be cited before the local tribunals, and if they commit any offense against the laws of the country all writers on international law declare that the minister shall either punish them himself or send them to his own

country to be tried. These privileges and immunities doubtless frequently cause serious inconveniences to the local administration. But is it not better to submit to such inconveniences rather than have the law abrogated? I have known such instances of inconvenience in my own country; one of which I will mention. In the year 1856, an important witness of a homicide in the city of Washington, that excited great public attention, was an attaché of the Swedish legation. His testimony was very much desired by the tribunals, but he was never cited formally as a witness, and to the request that he would appear and testify voluntarily he replied that he would not do so, and my government had no power to compel him.

Your honor asks, in your note of the 23d July, if it does not appear to me that if the immunities of a minister should reach to the extent claimed by me, there would be no nation in the world which would be willing to accept an embassy? To this I will reply that all nations do, and are glad to, receive embassies on these very terms. What have I claimed? Simply this—that George F. Masterman, who came to my house at my solicitation as medical attendant of my family nearly 11 months ago, and has lived in my house ever since, and had his name given in as a member of the legation more than four months ago, to which no objection was made for three months afterwards, is to all intents and purposes a member of this legation, and entitled to all its privileges. I likewise claim that Porter C. Bliss, who also came to my house at my solicitation, to serve as translator, and to assist me in any other way that I might require, and whose name was given in at the time as a member of my legation, and no objection being then made to his remaining in it, but only to the capacity in which I had classified him, is also a member of this embassy.

You, on various occasions, speak of them as refugees who have sought asylum in my house. They did not seek asylum here. I sought them and engaged them to come here because I needed their services. At the time they came there was no charge or accusation against either of them. How, then, can they be considered refugees? They were not refugees, and this is not a question of the right of asylum, but of the rights of legation.

You, however, allege that they have never been recognized by your government, but that having refused to recognize them, I therefore have no right to claim them as exempt from the local jurisdiction. But this refusal was not made till after they had been claimed as criminals, and months after they had been tacitly acknowledged as belonging to the embassy. Such refusal was quite too late to affect the case.

The doctrine advanced by you, that a foreign minister cannot claim legation privileges for his servants, secretaries, and other members of his household till the government to which he is accredited specially recognizes them by name, is something entirely new to me; something that I do not find in any writer on international law. If a minister gives in a list of his suite, and no answer is made, no objection is taken by the government, then it tacitly acknowledges that all included in that list are members of the legation, and it cannot afterwards plead its own failure to acknowledge the minister's letter as a justification of its refusal so to recognize them.

That this is correct reasoning you must admit, if you will apply it to my own case. Though I have given two lists of the members of my legation, you have never recognized a single person now in it, unless it be Mr. Bliss, and Baltazar, the colored servant left with me by Dr. Carreras. But you have never recognized either my wife or child, or my private secretary, who has been in my service for more than a year and a half, or the servant girl that we brought with us into the country. According to your reasoning and logic, however, you have only to say that any one or all of them is accused, and that the government refuses to recognize them as belonging to my legation, and I have no remedy but to send them away. Such is the inevitable conclusion to be drawn from the premises and logic of your honor.

To the question whether or not the punishment that my government would administer would be timely, I reply I do not see why not. You cannot suppose that these two individuals, closely shut up as they are in this legation, and having no communication with any person outside of it, can be dangerous. If not, why will not their punishment, if proved guilty, be as timely some months hence as now? If they can give any evidence which is necessary to ascertain the truth in regard to other accused parties, they have both expressed their willingness to do it; and should the government choose to send a notary to my house to examine them, I will give him every facility for doing so. I will also say that Mr. Bliss has declared in relation to the paper which you in your note of the 23d of July say that he "in a secret committee of mutual obligations" has signed to commit an infamous crime, that if any such paper signed by him shall be produced at this legation he will instantly leave it. To this I will add that while I shall still insist on my rights of legation, I will undertake that he keep his promise to me.

In my former notes to you I have called your attention to this maxim of law, that "every man is to be considered innocent till he is proved guilty." Yet you, disregarding this principle, continue to speak of these two members of my legation as criminals and refugees, without ever having given me any proof of their guilt. You have also

complained that I should not receive your official statement of their criminality in preference to their own protestations of innocence.

I have not allowed myself to question the sincerity of your belief in their criminality, but as you do not pretend to speak from your own knowledge, I may yet doubt the truthfulness of your informants. Certainly you will not allege that the witnesses against them are persons who have enjoyed higher honors, or had previously been more respected than Berges and Carreras, whose declarations I know to contain almost as many falsehoods as sentences. If declarations so false have been made by them, with the object of connecting me with an infamous plot, is it not possible that equally false declarations have been made for the purpose of implicating others? I, acting according to the laws of my own country, must presume them innocent till I have a proof to the contrary. From your own personal knowledge of these gentlemen, you must be aware that they are, from education and habit, the very last people that conspirators and complotters would take into their counsels. Mr. Bliss, you are aware, is a man of extraordinary literary acquirements, and his whole taste and ambition is in literary pursuits; and Mr. Masterman is a man whose tastes and desires lead him to pass his whole time in scientific investigations. Neither one of them has any of the detestable gaucho characteristics that would lead them to take part in a revolution, and as I have known them both long and intimately, I am bound to take their solemn asseverations, not only of innocence, but of entire ignorance of any plot or conspiracy, in preference to the declaration of any or many confessed conspirators or traitors.

But with me this is not a question of guilt or innocence. It is a question of the rights of legation. Months ago I gave in their names as belonging to my diplomatic suite, and the government, by not objecting to them as members of my legation, tacitly acknowledged them as such; it acknowledged them as much as it has acknowledged any one in my house, and has now just as much right to claim any one else of my family or household as to claim either of them.

I will add another consideration. Both of these men are so indispensably necessary to me that even if they did not belong to my legation, and the safety of the state were not endangered by their remaining here, I should ask it as a courtesy that they might be allowed to stay for the present. Without the aid of Mr. Bliss I could hardly have carried on the heavy correspondence I have had during the last month; and were Mr. Masterman to leave me, it would be, under the circumstances—when the aid of no other physician can be obtained—at the risk of exposing the lives of my wife and child and other members of my family; and I am sure that the government has no wish to expose me to any such calamity.

The position taken by you that until a government expressly recognizes the members of a legation they cannot claim its privileges, but are liable to be arrested like any other persons by the police, would or might at least render his right of extra-territoriality virtually a nullity. The government might thus compel him to dismiss all his servants, it might prohibit his own subjects to enter his service, and thus leave him without any servant or assistant in any capacity, except such as it might suit its own purposes that he should have. I have never asked either you or your predecessor to recognize the members of my legation by name, or, in other words, I have not asked the privilege of employing them. I am to be the judge of the persons necessary to the discharge of my official duties and the health and comfort of my family, and not the government of Paraguay. Should a minister on entering a country take with him in his suite known criminals, or persons obnoxious or dangerous from their political opinions, a government might undoubtedly object to concede to them legation immunities, and could insist that they should leave the country. But it would have no right to molest them, and would be bound to protect them in every way until they had ample time for their departure. In no case has a government a right to inflict any other penalty on a person attached to a foreign legation than to send him to his own country to be punished. If, however, the ground assumed by you is correct—that no person can claim legation privileges until he has been expressly recognized by the government, but may be cited before the local tribunals—then if I comply with your request of to-day, I may be called upon to send away the other members of my household to-morrow, as you have never recognized them as belonging to my legation. If all are not in the same category, and some are and some are not entitled to legation privileges, will you please advise me which of the names in the list appended to this letter are recognized as belonging to my legation.

In your note of the 31st ultimo you observe that it is the more strange that I should still decline to send Mr. Bliss and Mr. Masterman from my house, since I shall then have superabundant means to give them protection. What those superabundant means are you do not advise me, nor do I understand what means will be left me to protect them when once in the hands of the local tribunals. Will you have the kindness to give me further information on this point?

In my note of July 14 you will recollect that from the tone and tenor of your preceding notes, and from the fact that you had finally called for two persons whom I had always considered members of my legation, I said it appeared that I had lost the respect

and confidence of this government, and that, therefore, as it did not seem that I could be longer useful either to my own government or that of Paraguay, or to any individuals in the country, I requested passports for myself and for the members of my legation. To this you replied on the 16th, assuring me in the strongest terms that I still retained the esteem and confidence of your government, expressing the hope that such assurances would lead me to reconsider my previous resolution. Such expressions I accepted as satisfactory, particularly when in the same note you again requested the dismissal of Messrs. Bliss and Masterman from my house, but said you would waive all further discussion on that matter, leaving it to my own sense of justice. I then believed that the demand would not be further pressed; but while preparing my note of the 20th ultimo, giving my reasons for the course I felt it my duty to pursue, I was surprised and pained on receiving your note of the 19th, which was closely followed by those of the 21st and 23d, to observe a tone and tenor of an entirely different character.

This sudden change I have attributed to the strange and false declarations of Berges concerning me, and, if I am right in this surmise, I cannot wonder that, false as the declarations are, the government should have changed from confidence and regard to distrust and suspicion. But if the government has accepted my words in preference to those of a convicted traitor, I cherish the hope that it will resume the position taken in your note of July 16, and leave me to pursue the only course that in my opinion will be approved by my government, by public opinion, and by the family of nations.

I avail myself of this occasion to give assurance of distinguished consideration.

CHARLES A. WASHBURN.

His Honor GUMESINDO BENITEZ,
Acting Minister of Foreign Affairs.

EXHIBIT B.

Mr. Washburn to President Lopez.

UNITED STATES STEAMER WASP, OFF ANGOSTURA,
Paraguay River, September 12, 1868.

SIR: When Captain Kirkland was about leaving this vessel yesterday to bid farewell to your excellency, I gave him a memorandum of certain things to which I requested him to call your attention. Captain Kirkland informs me that on reaching your headquarters he found he had omitted to take this memorandum with him, and therefore was unable to comply fully with my request, having only given the paper a hasty perusal. I, therefore, take the liberty, at the moment of my departure, of deviating from diplomatic customs and sending a personal note directed to your excellency. In this memorandum I suggested that he might show you a letter from General Webb, our minister in Rio, from which it would appear that he had almost come to a rupture with that government, by reason of its refusal to permit this vessel to pass above the squadron. This he had done on his own responsibility, without waiting for orders from the United States government, which, on hearing of the outrage, has doubtless taken the most energetic measures to enforce its rights and extricate its minister from a most frightful position. This letter you saw proves how much truth there was in the declaration of your ex-minister for foreign affairs, José Berges, that I was in collusion with General Webb, and in the interest and pay of the Brazilians.

I have in my possession several letters for Dr. Carreras, which I yesterday requested Captain Kirkland to deliver, but which he refused to do unless I would open them, lest he too should be accused of conveying treasonable correspondence. I herewith send the letters, however, as I do not believe that any treasonable correspondence has ever passed through my hands for or to anybody. In fact, I do not believe there has ever been any conspiracy.

The declarations of Berges, your two brothers, Venancio and Benigno, and Sr. Urdepilleta, as given in the notes of your two last ministers of foreign relations, in so far as they implicate me as having any knowledge of a conspiracy, are entirely false, and you know it; and you know that not one of them would confirm or affirm the declaration imputed to him if he were out of your power, but would deny it "in toto," and declare that he had never made it, or that he had done so under torture. Declarations of that kind, your excellency ought to know, will have no weight outside of Paraguay. Not one word of them will be believed, and that all may not be denied by them, you must not only kill off all the persons who have made them, but all by whom they were extorted.

Before finally leaving Paraguay, it is my duty to make my solemn protest against the arrest of those two members of my legation, Porter Cornelius Bliss and George F. Masterman. Their arrest in the street, as they were going with me from the legation

to pass on board the steamer, was as gross a violation of the law of nations as would have been their seizure by force in my house. It was an act not only against my government, but against all civilized powers, and places Paraguay outside the pale of the family of nations, and for this act you will be regarded as a common enemy, one denying allegiance to the law of nations.

You will also be regarded as a common enemy for having seized and made prisoners, and loaded with fetters, nearly all the foreigners in Paraguay, and afterwards entered their houses and taken away their money on the miserable pretext, that finding less in your treasury than you expected, those who had any money in the country must therefore have robbed it from the government.

Your threat to Captain Kirkland, on his first arrival, that you would keep me a prisoner in the country, will be duly represented to my government, and I only wish to confirm his reply to you, that had you done so my government would have hunted you not only through all South America, but throughout all Europe.

Your obedient servant,

CHARLES A. WASHBURN.

His Excellency Marshal LOPEZ,
President of Paraguay.

EXHIBIT C.

Mr. Bliss to Mr. Goodfellow.

LEGATION OF THE UNITED STATES,
Asuncion, September 7, 1868.

MY DEAR SIR: Appreciating the friendly interest you have always shown in me, and the kindness with which you have aided my family to obtain news from me during my long detention in Paraguay, I think it proper to send you the present letter by Mr. Washburn, who will doubtless make known to you in detail the unprecedented events which have recently transpired here, affecting the rights of all neutral nations, and more especially involving an unexampled violation of the immunities of the American legation, and of the treatment due to an accredited minister of the United States.

You will learn, sir, with surprise, that in common with hundreds of foreigners and natives, comprising almost all the adult males of the country who were not bearing arms, I am accused of belonging to a conspiracy against the government of Marshal Lopez, with the additional aggravation respecting me that I am also charged with belonging to a secret committee, who have put their hands to a compact to assassinate the marshal. You can readily judge of the probabilities of both accusations, and will easily believe me when I say that there is not even the slightest foundation for them, and that, so far from knowing of any conspiracy, I have grave doubts whether any has existed, notwithstanding all the acts of this government, and the so-called confessions of criminals, to be found in the published correspondence between Mr. Washburn and the minister of foreign affairs. This doubt is, I believe, common to all the persons belonging to the American legation.

You will also see the herculean efforts which have been made by this government to fasten upon Mr. Washburn a complicity with the real or pretended revolutionary plot. You will see the false testimony which has been put into the mouths of prominent persons. Much of these statements is self-contradictory, and all of them conflict with each other upon the most essential points; and lastly, they all have this in common, that they furnish no definite information concerning the organization, objects, means, and occasion of action, nor even who were to take the decisive steps; besides, among so many revolutionary papers alluded to, apparently not one of that character has been seized by this government.

But I have no need to discuss the matter further; the truth is evident and will be recognized by every one in Buenos Ayres. I hope some decided action will proceed from the ministers of neutral nations in Buenos Ayres, though I can scarcely hope that any such action can benefit me, as I am already declared guilty by the government, although not having the slightest idea of the nature of the testimony, necessarily false or forged, which has been or will be produced against me.

All persons in this legation have passed the last two months, since the extradition of myself and Mr. Masterman was demanded, in a state of continual agitation, alternating between hope and despondency, and following the course of the correspondence, which, on the part of this government, has steadily gone from bad to worse.

I desire to bear the strongest testimony to the fact that, as to all the statements implicating Mr. Washburn in the conspiracy, there is not one of whose truth I have any knowledge, and most of them I know to be false. I also wish to bear witness to the unswerving constancy with which he has insisted upon the rights of legation, and done for me all that could be appropriate under the circumstances. Whatever may

happen to me, I can meet my fate with a stout heart and perfect confidence in the Great Architect of the universe, knowing that my Redeemer liveth. I have written at large to my family.

Accept my gratitude for favors received from you and Mrs. Goodfellow, to whom I send my love, and regards to all inquiring friends.

Yours most truly,

PORTER C. BLISS.

Rev. WILLIAM GOODFELLOW.

EXHIBIT D.

Mr. Bliss to Mr. Davis.

LEGATION OF THE UNITED STATES,
Asuncion, September 10, 1868.

DEAR SIR: You will learn from Mr. Washburn of the queer doings that have been going on here for two months past, or, at all events, will learn enough about it from the newspapers. I never thought to be accused of "high treason" by any government under the sun; for, being a musical genius, as you are aware, I am clearly not fit for "treasons, stratagems, and spoils." Whatever comes of the affair, I desire to bear testimony to the persistent efforts of Mr. Washburn to save myself and Mr. Masterman, my fellow-rascal, (as the official correspondence of the ministry here politely designate us.) Mr. Washburn had like to have shared the fate of the hero of his own novel, if the United States gunboat Wasp had not very opportunely come to his rescue. As it is, he escapes "by the skin of his teeth," after all possible obstacles have been put in the way of his departure. The Wasp is now lying but a league below here, but is not allowed to come up. I suppose Mr. Washburn will leave to-day, and I shall immediately be nabbed by the 20 or 30 "guardians" who have kindly "looked after me" for the last two months.

I hope for relief from our government in three or four months; that is, if it don't come too late for any practical purpose, so far as I am concerned.

Please give my best regards to General Webb and his family. I hope Mr. Washburn will arrange all little matters between us; please give him any letters or keepsakes of any little value for my family that I left in a trunk with you. I accompany some lines for Mrs. Davis.

Yours, faithfully,

PORTER C. BLISS.

GEO. N. DAVIS, Esq.

EXHIBIT E.

Mr. Bliss to Mr. Washburn.

SEPTEMBER 11, 1868.

SIR: Finding myself at length relieved from the restraint which your excellency has so long exercised over my will, I cannot do less than express freely and spontaneously the important part which your excellency has taken in the revolution in which you have involved many persons, and among them myself. I have declared (feeling deeply, because I would like to avoid such a scandal to your excellency, but following out the truth) that your excellency has been the soul of the revolution; and if this deed now appears to the light of heaven, confessed to by all its accomplices, to whom does it owe its existence save to your excellency, who has continued its direction up to a very recent period? I consider myself, therefore, completely absolved from the promise which your excellency extorted from me yesterday in your office not to reveal your proceedings, old or new. Even your brilliant speculations with the company of Hopkins, for which your excellency ought to pocket a hundred and odd thousands of patacones, have been put in evidence, as also the gilded pill you made Polidoro and Octaviano swallow, as also the Marquis of Caxias, at the time of your excellency's celebrated visit of mediation in March, last year.

The object of this letter is to say to you that I have determined to request from your excellency the delivery to the bearer of my historical manuscripts which involve a compromise with this government, and which are, without reason, in deposit with your excellency, you having taken possession of them during my illness last year, and because I have forgotten to demand them of you. They consist, as your excellency well knows, of a voluminous history of Paraguay till the year 1810, and some 2,000 pages, or more, of notes in Spanish on more recent epochs, with the chronology up to our days.

Also, I beg that your excellency will have the goodness to send me the three letters written by express order of your excellency, for your justification regarding the affairs of the revolution, of which one is addressed to the New York World, another to Rev. Wm. T. Goodfellow, in Buenos Ayres, and the last to my father, Henry Bliss, of New York.

The truth having been fully displayed, these letters cannot serve your excellency for any object, and, since they are false, it suits me no longer to keep the mystery of hypocrisy, and for your own honor your excellency ought to comply strictly with these my demands.

I do not exact from you the English manuscripts which your excellency made me write in a spirit inimical to Paraguay, since these are the property of your excellency; but I advise you, as a friend, not to attempt to fight against the evidence given by infinite witnesses.

I take advantage of the occasion to salute your excellency with distinguished esteem and appreciation.

PORTER C. BLISS.

His Excellency Hon. CHARLES A. WASHBURN,
United States Minister Resident.

EXHIBIT F.

Mr. Washburn to the British minister.

Buenos Ayres, September 24, 1863.

SIR: When I left Paraguay on the 12th instant, I regret to inform your excellency that nearly all the foreigners in that country, including several of your countrymen, were in prison, and as I am the only person beyond the reach of President Lopez's power who has any personal knowledge of their situation, it seems to be my duty to give any information I possess to the representatives of the different foreign governments, that knowing the condition of their unfortunate countrymen, they may take such action as may seem most proper in order to extricate them from their terrible situation. Unless speedy action is taken, there may be none left to tell the tale of their annihilation!

To give an idea, therefore, of the situation there, and of the dangers and horrors to which all foreigners in that country are subjected or exposed, I propose to give a brief narrative of the events that have transpired since the 21st of February last. On the evening of that day, on returning from a duck-shooting, "paseo," I learned that several Brazilian iron-clads had passed Humaita, and were on the way to the capital. On reaching my house, I was informed that the minister for foreign affairs, José Berges, had sent an urgent request for me to visit him at his office. I immediately complied, when the minister told me that the Brazilian squadron having passed Humaita, and being already half way to Asuncion, the government had ordered an evacuation of the city, and had declared it a military point. He also said, the capital was to be removed to Luque, a little village some ten miles from Asuncion, and that he had invited me to visit him, in order that I might have such accommodations provided for me, at or near Luque, as I might select. I replied that, whoever else might obey the order of evacuation, I, certainly, should not. My legation was, for the time, the territory of the United States, and I should remain in it, giving such protection as my house and flag could afford, to all who chose to resort to it. I told Señor Berges also, that the government had no right to compel the foreigners to abandon their houses and property; that if they chose to remain and defend it, taking the risk of exposure to a bombardment of the town, they had a right to do so. He dissented entirely from this view, and on returning to my house, I found it full of people, who were anxiously waiting to learn if I would remain in the capital or not. I told them that I should stay, and many more than my house could accommodate asked permission to remain within the legation. I told them that I could not give them all shelter, but if they chose to deposit their valuables in my house, I would receive them, but always subject to their own risk; I should give no receipts for anything.

The same evening and the next day people came rushing in in large numbers bringing their trunks and boxes, and several iron safes, all of which were deposited in the different rooms of the legation. The next day people were hurrying terror-stricken from the towns; not from fear of the Brazilians, but of a worse enemy, and towards evening several English came to my house and asked me to permit them with their families to occupy certain vacant rooms in the rear of my legation. As they were all in the government employ, I suggested that it would be more prudent for them to get permission to do so from the authorities. They accordingly asked and obtained the permission, and on the following morning they came with their families, 21 persons in all, and took shelter in the legation. The following morning Dr. Antonio de las Carreras, who was

the former head of the Oriental government, and a most bitter enemy of the Brazilians, fearing lest if he fell into the hands of the allies he would be treated as was Leandro Gomez after the fall of Paysandu, came to my house and asked for shelter. He was accompanied by Francisco Rodriguez Larreta, who went to Paraguay as secretary of legation with Dr. Vasquez Sagastume, the Oriental minister resident in 1864, and I gave them a cordial welcome, and they remained with me till July 13. At the time we all thought that the war was virtually over, and that within a few days Asuncion would be in the hands of the Brazilians. Such was the universal wish of everybody, Paraguayans and foreigners alike. On the 24th the iron-clads approached Asuncion, which was defended by a little fort having but one gun of sufficient caliber to do any harm to monitors or iron-clads, and this one so badly mounted, as I was informed afterwards, that it could not be depressed so as to be of any service. As the Brazilians approached this fort they began firing at it, but without injuring it. The fort replied with some half a dozen shots to some thirty-five or forty from the iron-clads, when the latter, for some reason inexplicable to me, turned back and went away. No harm was done to the fort, and very little to the town. One shot struck the new palace of the president, but the damage done to it was very trifling. We then supposed that the iron-clads would soon return reinforced, but week passed after week, and month after month, and we could learn nothing of what was going on at the seat of the war. Supposing that Lopez was shut up within his intrenchments around Humaita, and that it would be impossible for him to escape with any considerable portion of his army, we thought the duration of the war was only a question of time, a few days, more or less. Thus things remained with us till, on the 1st of April, we learned for the first time that Lopez had abandoned Paso Pucu, and had reached and passed the Tebicuari with the larger part of his army. Thus the end of the war seemed to be indefinitely postponed. Our situation in Asuncion was extremely disagreeable, as it was impossible to obtain many things elsewhere regarded as necessities of life.

The town was completely deserted, save only that more or less people were permitted to come in occasionally to carry away things that, in their first fright and hurry, they were unable to do. Some incidents occurred which showed that the government, or rather Lopez, for Lopez is the government, did not approve of my keeping so many people in my legation, and therefore all who had not been recognized as belonging to it thought it prudent not to venture into the streets. But considering the circumstances, we passed the time more pleasantly than could have been expected. Carreras and Rodriguez were most agreeable and intelligent gentlemen, and Mr. Bliss was an encyclopedia of knowledge on almost every subject. Our Paraguay servant was able to obtain for us all the beef, maudioca, maize, chickens, and eggs required, and sometimes a duck or a turkey; the caña of the country could also be obtained at double the price of Martell's best brandy. But the gloom seemed to be darkening every day over the country; scarcely ever did a person come to my house to carry away anything deposited there, but he had to tell of other foreigners arrested and taken in fetters to the president's headquarters at San Fernando. What it all meant no one could divine—there was a terrible mystery about it. At length, however, about the 1st of May, I received notice that the United States steamer Wasp had come up as far as Curupaity to take me away, and was there detained by the allied squadron. I knew that Lopez did not wish me to leave Paraguay, that he, like everybody else, was very anxious for me to remain. The foreigners of all nations were especially desirous that I should wait to the end of the war, and many of the better class of Paraguayans, those having most to lose, were exceedingly importunate that I should stay to give them the protection of my flag at the last extremity. Of these the mother of the President was one of the most solicitous. I told them all that I would not abandon them; that I would endure privations and loss to give them any protection in my power, and that if a successor did not come to take my place, or imperative orders from my government to return home, I would stand by them to the last. I knew also, or at least had no doubt that if I had proposed to go away and had asked Lopez for means of conveyance to pass through the allied lines to embark on the Wasp, he would not have granted my request. I therefore wrote to the commander of the Wasp that if he did not come above the squadron my family could not get aboard of his steamer, and I therefore urged him very strongly to force the blockade. My great object was to get my wife and child out of the country, and if the Wasp was once above the military lines I could go or not with or without the permission or favor of his excellency Marshal Lopez, if on the arrival of the steamer it should appear to be my duty to do so. I was disposed, however, to remain, as I knew that if I left I should carry with me the last hope of hundreds or thousands. They all seemed to think that in any contingency my house and person would be inviolate, I did not fully share this opinion, but I nevertheless thought if I could get my family away so much would be gained, and then it would be my duty to remain. With this view I went down to San Fernando, to see President Lopez and confer with him in regard to the passage of the Wasp above the Brazilian squadron. I found him reserved, and though evidently he desired that the Wasp should come through, and before leaving to return to Asuncion he promised to forward

my letter to Capt. Kirkland by flag of truce, and gave me letters to inclose to his commanders at Humaita, and Curupaity, to allow the Wasp to pass without molestation. In my conversations with Lopez, he expressed great dissatisfaction that I had admitted so many persons into my house. My communication to Captain Kirkland being dispatched, I returned to Asuncion. The Wasp, however, did not at that time go above the squadron, and we were then all left in uncertainty whether or not anything would come to our rescue ere it was too late. The arrests of foreigners continued, but for what object or for what offense no one could imagine. The few people I saw were more frightened and shy than ever. Nothing, however, of importance occurred till, on the 16th of June, we were surprised by the appearance of the acting Portuguese consul, José Maria Leite Pereira, and his wife, who came to ask the protection of my house and flag. Of the events that followed this I refer you for information to the correspondence already published. First, the government desired to know if the said Leite Pereira was in my house. I replied in the affirmative, but denied the right of the government to question me as to the persons in my legation, and that, if it knew or suspected any obnoxious person to be within it, a specific allegation of his offense must be made before I should be under obligations to send him away. Some two weeks passed after the first call for him was made before it was repeated, and, in the meanwhile, we all began to cherish the hope that he would not be molested. His whole offense, so far as I knew then, or know now, was the crime, which among civilized men would be considered venial, if not meritorious, of spending all his own money, and all he could borrow, to relieve the prisoners who fell into the hands of Lopez, relying on them or their respective governments to repay him after the war. On the morning of his coming to my house, however, he had received notice that his consular character would no longer be respected, and as he had previously been cautioned that Lopez was badly affected towards him, he considered the withdrawal of his exequatur as but a prelude to imprisonment, irons, and starvation; he, therefore, fled with his wife to the United States legation, hoping to find shelter and protection. It was accorded him without hesitation, though regarded by me as an unwise and imprudent step on his part. On the 11th of July, however, the dream of security was dispelled by the receipt of the letter from the acting minister of foreign relations, Gumesindo Benitez, in which the government demanded the dismissal on the following day not only of Leite Pereira, but of everybody else in my house that did not belong to the legation. Pereira and the English left accordingly, though "I told them all that I did not send them away, and that if they chose to remain they might do so, and I would never deliver up one of them until some specific crime was alleged against them." They all thought, however, it was best for them to go, and the English requested me to go and see Colonel Fernandez, the military commander at Asuncion, the men offering to resume work in the arsenal, and requesting to be advised of the points to which the women and children would be sent. The house was surrounded by as many as forty policemen, and the English were afraid of being taken immediately to prison. Fernandez, however, pledged me his word of honor that they should not be molested by the police, but should be well treated, and said the men would be again taken into the service, on condition of making new contracts. The men had made the offer only because they thought it better to go to work than go to prison. They accordingly left the legation, in the afternoon, and were directed to the railway station, where they were most miserably provided for, notwithstanding that Fernandez had pledged his word of honor that they should be well treated. They remained in that situation for about a week, when they disappeared, and I know not what has become of them. I have heard that the women and children were sent to a village about four leagues from Asuncion, called San Lorenzo, and that the men had, like most of the other foreigners in Paraguay, been taken in irons to the army headquarters. Leite Pereira left about five p. m. of the same day, and was arrested as soon as got into the street. Of his subsequent fate I know nothing. On the same day I wrote a letter to Benitez, advising him that the Portuguese consul and the English had left voluntarily, but that as no charge had been made against Carreras or Rodriguez, and they preferred to stay in the legation, and as such was also my wish, I presumed no objection would be made to it. By sunrise, however, the next morning I received another letter still more urgent, demanding that they should leave my house by one o'clock of that day. Still no specific charge was made against them, and I told them that they might go or stay as they thought best, but that they would have the protection of my house and flag until they were taken by force, or till some direct crime was laid to their charge. They both said that if I would promise to remain till the end of the war, they would not deliver themselves up, as it was impossible for any specific charge to be brought against them, and they did not believe that Lopez would venture to take them out of the legation by force. But I could not promise to remain to the end of the war, and they, therefore, said it was better that they should go at once than to enrage Lopez by remaining, when at last they would probably fall into his merciless clutches. They accordingly left at 12 m. of the 13th of July, but not till I had shown them my letter of the same date to Benitez, in which I gave my reasons for believing that the government could have

nothing serious against them, and that, in regard to Rodriguez, even if it had, they had no right to touch him, as he was entitled to diplomatic immunities.

This letter I sent the same afternoon to Benitez, and as all were then gone who did not belong to the legation, I thought that I should be left to a dismal peace. Before night, however, came another letter demanding that I should likewise send away two members of my legation, P. C. Bliss and G. F. Masterman, whose names as such had long before been given in to the ministry for foreign affairs.

At this point I made a stand, as you will see by the published correspondence, and by fencing and fighting to the best of my ability, saying some flattering things about Lopez, I kept them with me till my final departure. I admit that I purposely prolonged the correspondence in the hope of saving these two men. They were arrested, however, as they started to accompany me to the steamer, at the moment of leaving the legation, taken by force from my side, and their subsequent fate may be guessed at from what I shall hereafter relate.

May none ever know the uncertainty of the last two months and a-half of my life in Paraguay. To see men with whom one has had the most friendly relations for months, with whom one has discussed questions of history and politics every day, varying the monotony of the days with billiards and of the evenings with whist, and yet to feel that these very men with whom one was talking over the situation might be in irons in one hour and shot within twenty-four; certainly, you will allow this was enough to render even the sleep of a brave man fitful and uneasy, and of a man like me, without such pretensions, utterly inadequate to "knit up the raveled sleeve of care." And up to this time, we had not the least idea of what it was all about. No such word as treason or conspiracy had, to my knowledge, ever been heard in my house. What could Lopez want? Was it his plan to kill off all foreigners, that no one may be left to tell the story of his enormities? Did he seek to blot out the record of his crimes? If so, the minister was no safer than the other members of the legation. But as Bliss and Masterman were not taken for several weeks after the departure of Carreras and Rodriguez, we gradually got into a more normal state. The conduct of persons accused in the time of the French revolution, whose levity in the prospect of death seems incredible, appeared to us, as we often remarked, no longer strange; but to the credit of Bliss and Masterman, though not to myself, as I did not consider my danger as great as theirs, I will say, we scoffed at the dangers before us, and talked, joked and laughed as freely as though we had nothing to fear. At this point I may remark that, from the time that Leite Pereira came to my house, it was always surrounded by at least a dozen policemen, and that frequently on looking out in front I have counted more than that number on one side. Probably fifty men, who might otherwise have been in the army, were kept night and day to watch me and the members of my legation. In the meanwhile we could hear scarcely anything of what was going on. With the exception of the consuls, who occasionally came in from Luque, no one ever came to my house, and my Paraguayan servants, if they learned anything, feared to tell it. I did learn, however, that about the time that the great sweep was made from my house, the brother of the President, Venancio Lopez, was carried off in irons to the army headquarters. His other brother, Benigno, had been called below long before, and when I visited his excellency at San Fernando, in the early part of May, Don Benigno and the minister of foreign affairs, Berges, were both close prisoners, as was the President's brother-in-law, Saturnino Bedoya. The old vice-president, Sanchez, who had previously been a prisoner, was then allowed to leave his house, but neither he nor any Paraguayans dared approach me or be seen with me.

For a time we feared it was the intention of Lopez to cut the throats of all the foreigners, as we knew but little of any arrests at that time of Paraguayans. If they were arrested they were taken off so quietly that we might or might not hear anything of it for weeks or months. But while the English who had been in the legation were detained in the railway station, the train came in one night at midnight full of prisoners. The English could see nothing, as no light was allowed in the station, but the clanking of the chains and the sighs and groans of the prisoners as they were forced from the cars and driven forward towards the bank of the river, were distinctly audible. They were all embarked in a steamer for San Fernando before daylight. A few days after I learned that this crowd of prisoners was almost entirely composed of Paraguayans; that nearly every man in the new capital, the judges, clerks, accountants, and all save the chief of police, Sanabria, a man eminently distinguished for his brutality, Benitez and the vice-president, were the only ones left there, besides policemen and soldiers; that there was a gloom over the place, so deep and funereal-like, that the women and children scarcely ventured out of their houses, and if they did, it was with fear, as if they had just felt the shock of an earthquake, and were in dread of another. For more than fifty years the country has been a Dionysian gallery. It was always the policy of Francia, and of Carlos Antonio Lopez, that everything said should reach the ear of "El Supremo." But in the worst days of Francia the government was mild and paternal compared with what it has been under this younger Lopez. People have been thrown into prison not only for saying things perfectly innocent and for not

reporting what they have heard, but also for the crime of not reporting what they have not heard. It is made the duty of everybody to be a spy on everybody else, and woe to him whose ears are not open to every word spoken in his presence.

The arrest of all the civil magistrates indicated that it was not the foreigners alone that had made themselves obnoxious to Lopez. But what it was all for, no one in my house, as I yet firmly believe, had the least idea. The published correspondence, however, will show that about the 18th or 20th of July, the government suspected, or effected to suspect a conspiracy; alleging that ex-Minister Berges was a traitor, and was in collusion with the enemy, and that under my official seal I had transmitted the correspondence to and fro between the conspirators. I must refer you to the published correspondence, to show how they undertook to connect me with the conspiracy; or at least, as knowing that a revolution was in contemplation. At first it would seem that they were so confident of implicating me, that they began to publish the correspondence, but after receiving my letter of the 11th of August, in which I showed so many contradictions in the declarations that had been made by the accused—probably under torture—that they suspended further publications. But it was not in the nature of Lopez to show any magnanimity, or even justice, by acknowledging he had been led into error by false depositions. Men who know him would as soon accuse him of ordinary courage, as of magnanimity, and he never was accused of that, except in his own "Semanario," of which he is virtually the editor. During all this war, Lopez has never exposed himself to any personal danger; he has never on a single occasion risked himself in any battle, and while he was at Paso Pucu he had an immense cave or rather house, with walls of earth over 20 feet thick, from which he never ventured for weeks together; and at the same time that his organ was filled "*ad nauseam*" with accounts of the great Lopez leading, with dauntless valor, his legions to victory, he was sitting quaking and quivering in his cave afraid to venture out lest a ball might reach him. On one occasion, some two years ago, when he was out with his bishop and his staff, a shell struck at a distance of half a mile or more from his excellency. Instantly the brave Lopez turned and ran like a scared sheep, with his staff, including the bishop, after him, the latter losing his hat as he fled affrighted after his chief. This is the only instance known of his ever having been in personal danger; he has not even the vulgar merit of personal courage, nor has he any other. His firmness, carried to obstinacy, is the result of personal fear. Many persons, his own people who have escaped from his power, and whose families have been tortured and otherwise persecuted to death, have sent messages to him threatening to kill him at sight should they ever meet him; he therefore dares not treat with the enemy, for so many have sworn to pursue him, the world will not afford him a refuge if he once has no army between him and his enemies; he knows the country to be lost and ruined; he has no navy, and, in my opinion, not more than one-fifth of the land forces of the enemy. Why the latter do not attack him and put an end to the war I do not know; but they do not do so, and the war may not end for a long time. Lopez has recently said he expected to be compelled soon to fall back from the river, and then he would retire into the mountains, driving everybody, foreigners and Paraguayans alike, before him. In that case, at the rate the allies have been going on for the last two years, it will not be long before he will be unable to present as strong a front to his enemies as he did when they landed above the Tebicuari—viz., one man to watch the telegraph.

It was not, however, till August that I heard, besides the conspiracy against the government, that there had been a great robbery of the public treasury. Of the particulars of this robbery I could never learn anything—neither did I ever have any knowledge of the details of the plan of the conspiracy. It was said in one of Benitez's letters that Mr. Bliss, a member of my legation, had signed a paper, with others, in which they had engaged to assassinate President Lopez. I knew that was false, or, at least, had no doubt that it was so, and defied them to produce any such paper; but they never showed it. They never gave me any clue as to the manner of the conspiracy or how the revolution was to be effected, and I do not believe to this day that anything of the kind was ever attempted. The declarations of the prisoners prove nothing except the merciless cruelties of Lopez, for it is known that he freely employs the torture. He loads his prisoners with heavy fetters, sometimes two, three or four pair, and besides flogs them, if they do not give the testimony he requires, till they die.

The only explanation I can give in regard to the robbery of the treasury is this: since Lopez came into power he has never had a competent bookkeeper in his employ, and very probably has never known till recently how much money had been left by his predecessor. He has been spending largely ever since, and probably no accurate account has ever been kept of the amount paid out according to his order. After the city was evacuated, however, in February, he probably had occasion to count his money, and I found a large hole in the bottom of his treasury. This discovery was not probably made till some months after the removal to Luque, as about the month of June we found that all those foreigners who had made any money during the past years, and were most likely to have any in their houses, were arrested and sent below. Among them were English, French, Italians, Spaniards, Germans, and Portuguese. The plan

of Lopez appears to be to get this money into his hands, and then, by torture or threats, to extort confessions of being either conspirators or plunderers of the treasury. On these confessions they will probably be executed on the precautionary principle of foot-pads and other murderers that "dead men tell no tales." How Lopez expects to escape with the money thus obtained, I do not know. Perhaps he thinks that some neutral gunboat will take him and his plunder away at the last moment. But I here give notice that the money thus taken does not belong to Lopez. It is the property of citizens of those powers that are able to pursue it and return it to its rightful owners.

Your excellency; as all the world, probably wonders how it is, if Lopez be the character I have described him, that he is served so faithfully and bravely. It is entirely through fear, for save and except a few of the most willing instruments of his cruelties, like his favorite mistress, his bishop, Luis Caminos, Sanabria, and a few others, who have evinced most alacrity in doing his bloody work, there is not a man, woman, or child, (I do not except either his mother, sister, or brothers,) who would not thank God if he would take him to another world, where his deserts could be more adequately rewarded.

Why, then, do the Paraguayans fight so bravely? It is not because of their superior courage nor of their devotion to Lopez. That they are a brave and enduring people, cannot be denied. But the reason why they fight so desperately is this, that according to Lopez's system of discipline, there is always more danger in giving way than in going on. He has no confidence in his troops, and always seems to act under the belief that they would desert if they could get a chance. He therefore, in going into battle, advances his first lines with orders to fight to the death. A little in the rear is a smaller body with orders to shoot down the first man who gives way or attempts to desert. Behind these are still others with orders to bring down any one in front who does not fight to the death, and behind those again are others with like instructions, until at last the threads are all gathered in the hands of Lopez. If in spite of all these precautions a point is carried by the enemy, his unhappy officers who survive are shot and the men decimated. Under this system he has lost at least 100,000 men, probably more than the Brazilians, and yet this system, though it has not left 6,000 able-bodied men in the country, has kept from three to six times as many of the allied forces at bay.

The country, however, is entirely denuded of its male population. All the ploughing, planting, and sowing, is done by women; women must yoke the oxen, do the butchering, and all the other work usually done by men. There are many women also with the army, to do the labor of men, and thus relieve the troops, but none, I believe, are forced to bear arms.

The next news that we shall probably hear from Lopez is, that he has retired with his whole army to the mountains, and that he has driven every man, woman, and child before him. Had not the Wasp arrived till a month later, I have no doubt that I should have been forced to do the same. To the last moment Lopez hesitated whether to keep me a prisoner or not; he wants no one to survive him capable of telling the world of his enormities, and of all those whose declarations have been given in the correspondence lately published, not one will be allowed to escape, nor will any of those persons before whom they were made. For once beyond the reach of Lopez, they would declare that they had never made them, or had made them under torture.

Since arriving in this city I have seen a letter that was brought by the Wasp, evidently written at the dictation of Lopez, in which some details are given of the nature of the plot or conspiracy. This is the first information I had of the kind of plot that had been discovered, and the absurdity of the whole thing convinces me more strongly than ever that there never has been any plot or conspiracy at all.

How long is this war to last? For more than a year and a half I have believed that Lopez would not hold out for two months longer; but I had no idea how slowly some people could move, if they resolutely set themselves not to fight.

With the hope that the war would end shortly, I remained a year longer than I intended, very much against my interest, and suffering great discomfort. I believed that at the final catastrophe I could be of great service, especially to the foreigners, and had Asuncion been taken in February, when the iron-clads went up there, as we then expected it would be, I should doubtless have been able to save the lives of many, who now will never see their native land again. But when all of them had been killed or made prisoners, and nobody, native or foreigner, dared come near my house, and I was utterly powerless to do any service for anybody, I thought it time to obey the orders of my government and return to the United States.

Very respectfully, your obedient servant,

CHARLES A. WASHBURN.

His Excellency Hon. WILLIAM STUART,
Her Britannic Majesty's Minister Plenipotentiary, Buenos Ayres.

EXHIBIT G.

PARAGUAY—DETAILED ACCOUNT OF THE ATROCITIES OF LOPEZ—PREVIOUS REPORTS CONFIRMED.

ASUNCION, *January 12, 1869.*

DEAR SIR: What shall I write to you? Paper, ink, and letters, are only means for short and incomplete communications, and my heart is so full, I have so much to tell you, there are so extremely many intrigues to uncover, such an incredible complex of Jesuitism, baseness, lowness, falsehood, assassination, all sort of crimes, and badly used governmental skill to bring to the daylight, that I fear it is hardly possible to give to the world the proof of the baseness and the clever play of which we foreigners in Paraguay have been subject these last ten months. It is impossible to do us justice for two reasons—because there are far too many acts of barbarism to be able to mention them; and secondly, they are so nicely and skillfully enveloped and put under the shape of justice and humanity, that we can hardly expect the world to be ready to believe the truth. It would be necessary to discover the motive of all this clever Jesuitical play and assassinations, which the Paraguayan government used during the last year; motives which I cannot explain, and of which I only have the full persuasion that all is falsehood and baseness.

I perfectly understand, and I find it quite natural and logical, that until this moment there are politicians who admire and defend the actions of the Paraguayan government, and condemn these poor sufferers who had to lose their lives, fortunes and honor during the last ten months; but this mistake is only to be excused, as the world knows nothing at all about Paraguayan affairs, and what they believe to know is only a very clever falsehood, which this government understood and spread over the world.

I suppose you know by this time that Asuncion is in the hands of the allied army since the 1st of January, and as I write from that place you will see I have the fortune to be with them. I asked several people about you, and I have learned nothing except some vague information of your having gone to Washington, and what I most deeply lament, and about what I feel very, very sorry, is that I have been informed by several people that you got into difficulties with the United States government about the clever but miserable tricks the Paraguayan government played you. But, my dear sir, I have confidence time will clear all these errors, and if I was in your place I would feel quite easy, and even tell my adversaries that they are perfectly right to condemn you, because they could not do otherwise with the wrong information they only could have, and with the apparently nicely-fitted accusations of the correspondence between you and Benitez. I say that your adversaries have quite wrong information, or, perhaps, better said, no information at all, because I find here, at the very head, people of the allied army, that are entirely ignorant of the extent of cruelties and falsehood to which this place is subjected. I wish to God, therefore, and I hope that soon everything will come to the daylight, and then, dear sir, there could not be a man to blame you; but there are many who are deeply obliged to your kindness, to your humanity, to your good-will and assistance, and, more than all, to the straightforward defense of the principle of right. Until now, I have not seen newspapers, and the information I got about you is very uncertain, so I hope you are all right, and enjoy a better and happy life after so many sufferings.

I will tell you now how I came to the allied army, but I am sorry that I must be very brief, as otherwise I never could finish, because the sufferings, bad treatment, and falsehood to which I had been subjected for the last three months have been by far too many.

You know very well that I have always been very highly estimated by the Paraguayan government and all officials, and it had been so until the 23d of October last year when I was taken prisoner and sent to the army. My imprisonment is another specimen of rudeness—to use the most direct word for such an action—because they accused me of the same dramatic piece of revolution, by means of which spectacle they put out of the way so many innocent people before me. Now, look here, dear sir, how all that came. At the beginning of October arrived very near Asuncion a French and an Italian gunboat, and the consuls took steps to arrange the departure of their respective subjects. At the same time appeared an advice (notice) in the official paper, the *Semanario*, that the Paraguayan government never had put difficulties in the way of the departure of foreigners. I considered this a fine occasion to retire to Europe, and put myself in communication with the Italian consul, asking him to put me on board of the vessel of his nation. After having arranged this, I went to the Paraguayan minister, Luis Caminos, and told him that I should like to retire to Europe, in case the Paraguayan government did not find it inconvenient. I was so happy to be told by the minister that there was no inconvenience at all on the part of the Paraguayan government, and that he would write down immediately to arrange about the vessel and to send me my passport. With these favorable promises, and in the glorious hope to spend a happy Christmas at home, after so many years of privations and sufferings, I went home to my

country house in Recoleta, full of hope and new plans for the future; packed up my baggage and a few thousand dollars, the earnings of hard work in Paraguay. The next morning, the 23d of October, I went as regularly to Asuncion to arrange everything there for a quick departure, but, incredible to believe, at 1 o'clock I got arrested by an officer and police sergeant at my office, and immediately transported on horseback to the majoria of the army in Las Lomas, near Villieta. All my demonstrations to visit first my house to provide me with clothes and money were useless, and I soon convinced myself that I had to obey my sergeant as blindly as he had to obey his orders.

I must pass over a detailed description of all the sufferings which I had during two months of imprisonment: hunger, thirst, filth, insults, sun, rain, living and sleeping in the open air, with the legs in stocks, without protection against heat and rain. But I must mention more particularly what is called the Paraguayan tribunal of justice.

Twenty-four hours after my arrival in Las Lomas, I was brought by four soldiers under arms to a hut where there were sitting three captains. After a formal inquiry of my name, profession, religion, and nationality, I was told to lay down an oath that all I should say before that tribunal would be the pure truth. After having done this, I was inquired of if I knew why I had been taken prisoner, which question I answered that I had not the slightest idea.

During all this time one of the officers most eagerly studied the *Semanario*, and then afterward left the room and did not appear again.

After having denied the knowledge of the motives of my imprisonment, the speaker of the remaining two captains warned me severely not to go on in that way, and that I had much better confess at once all my guilt, because the tribunal knew everything, and there were more than a hundred proofs against me that I had been one of the heads of the revolution.

There I learned for the first time that they considered me as a partner of that imaginary revolution, of which I knew just as little as all the others who have lost their lives, being forced to state and affirm to have been partners to such a revolution. It is quite natural that such a malicious accusation will put the most deliberate man into a certain state of excitement, and I began to defend myself, stating that I was ready to face any man and any statement against me; but instead of entering into the points of my defense, or only listening to them, I was repeatedly warned to consider that I was not in a grog-shop, or in a billiard-room, or theatre, and that I must not make movements with my hands, nor speak so loud, and that I behaved very badly before the tribunal, and that they had plenty of means to make me speak the truth.

By this time there entered another captain of the name of Goyburu, the only one I knew by name. I was then told that the tribunal had many proofs that I knew all about the revolution, and that I had received money from the Commandante Fernandez to maintain that revolution. I denied both accusations, which caused one of the captains to order a corporal to bring a pair of fetters, which, fortunately, they never put on me. I tried everything to persuade the judges to bring to my face any person, paper, or proof, which could speak against me, but the clever judge assured me that there was no necessity, that the tribunal is perfectly persuaded of my guilt, and that the tribunal never calls a person except he is guilty, to which I answered that, so far as my knowledge goes, a tribunal has a right to call any person, but only to punish the guilty.

With this the examination had an end, and I was advised to regulate my soul with God, because my life would be short, and then I was taken again to my prison, and never saw anything more either of judge or jury.

I have to state that the Paraguayan tribunal was not even furnished with a table, neither pen, ink, nor paper. But you can see, dear sir, that I have been the most fortunate of all the prisoners, because they never put me into fetters, nor did they use me with all the diabolical machines of the times of the Inquisition, with which they pressed out and forced all the other foreigners to confess and affirm that there really had been a plan of revolution, and that all of them had been members of it.

I have now to tell you how I escaped out of this most critical and dangerous position. On the 21st of December we were (about forty of us) prisoners, lying in a retired place in the wood, when the allied army began to make a formal attack on the Paraguayan fortifications in Las Lomas. Early in the morning there came a body of officers and priests to our place, and Commander Marco read a list of about one-third of the prisoners, who had to step forth, and by everything it was evident that there was the solemn moment of what the Paraguayans venture to name an execution of justice. Then the called prisoners formed a circle, Commandante Marco read a short sentence, the priests took them to confession, a body of soldiers took them a few steps into the thicket of the wood, another pause of silence, and a musket volley finished all. It will interest you, dear sir, but deeply afflict you, to know the names of some of the persons of that day's execution. There were among them Don Benigno Lopez, the brother of the President; Barrios, the brother-in-law; the Minister Berges, the bishop, the Portuguese consul, Leite Pereira; Colonel Alen, Captain Fidanza, the very old mother and wife of Colonel Martinez, and the Priest Bogado. We also had as companion-prisoners the sisters of the President and the other brother, Colonel Vincencio Lopez. These were taken and

shut up, each one in a cart, and carried off, I do not know where. People speak here of their also being shot, but I could not assure the truth of it.

The attack of the allied army against the fortifications of Las Lomas lasted in permanent succession, day and night, from the morning of the 21st until the middle of the day of the 27th of December, when the Paraguayan army got entirely cut down, and only a very small remnant took the road to Cerro Leon. During these seven days of tremendous fighting we prisoners always were exposed to the heavy rain of balls, and on the 24th, the celebrated day of the independence of the republic of Paraguay, when we were lying in a long line, during a heavy rain, on the bare, wet ground, and the greatest part of us more than half naked, we had the great fortune to see the President passing close by us. Madame Lynch had the great kindness to remind his excellency of our presence, and the President had the still greater kindness to set us all immediately at liberty, as a gracious act on the most glorious day of the independence of Paraguay—an act for which we all had to thank him forever. Our liberty was not a complete one, because we were put under the charge of an officer near the guard of a new lot of prisoners who arrived that very day, but we could speak freely one with another, and move about a certain small distance from the guard-house.

In this state we remained from the 24th to the 27th, when the allies took, with an assault, the positions of the Paraguayans, which already, by this time, after seven days and nights honorable and brave resistance, were reduced to a very few thousand men. Now the allies came so near to us that everything took to flight under a dense rain of musket balls, every one looking out for himself, and being most eagerly occupied in reaching the next wood. The President, the two generals—Resquin and Caballero—Madame Lynch, a few more officers, and about 90 men of the horse-guards, succeeded in reaching Cerro Leon on horseback, leaving everything else behind. About 1,000 men afterward also succeeded in getting to that place, where the President is fortifying himself with the last remnant of his male population. I had to stop three days in the thickets of the wood, because I had to walk barefooted, in a miserable state of health and weakness, and on the first day I already saw myself entirely surrounded by allied troops, who had occupied all possible outlets. On the fourth day in the morning I went to the Argentine camp of General Rivas, where I first met Colonel Caracar, to whom I am deeply obliged by the kind reception he gave me. From here I was taken to General Rivas, then to the Argentine chief, General Gelly y Obes, and then to the Marquis de Caxias himself. I cannot praise sufficiently the kindness with which these three generals received and treated me. Since the 1st of January I am again in Asuncion, but unfortunately I have to say that I found my house at Recoleta entirely robbed, so that I find myself for the first time in my life poorer than the poorest beggar; not a cent in the pocket, not a shirt to put on, not a single friend to ask for anything, and besides this, miserably sick from suffering, and so weak that I am not able to leave the house. But with the help of God and some newly arrived countrymen of mine, I am able to tell you, sir, now I am getting better every day.

I am very sorry that I must mention here the very sad news which I immediately learned when I arrived at the allied camp, namely, that Lopez, when he took to flight toward Cerro Leon, ordered an adjutant with a list of all the old and new prisoners to be killed wherever they might be found. But we fortunately had hooked it already, and all I know is that the adjutant with his list is taken prisoner by the Brazilians; so I escaped a second condemnation to death.

It will interest you, dear sir, to know who of the Europeans escaped to the allies. Of European prisoners there was only, beside myself, Mr. Alonzo Taylor, and a young Italian by the name of Segunda Wega. Mr. Taylor is on board the English gunboat in Asuncion, waiting for his family which is driven, by order of the government, into the mountains. Of the other gentlemen I know nothing at present. But, besides this, there is Doctor Stewart, gone to Buenos Ayres direct; Colonel Thompson, also gone to Buenos Ayres, but I believe as a prisoner of war; Colonel Wisner, who, with his whole family, lives in his old house in Asuncion. The large list of all the foreigners which had been arrested during the time of you being here, and a few more arrested afterward, do not exist any more; they all died either by hunger, torture, misery, sufferings, or shooting; some of them have been killed by bayonets during the march from San Fernando to Las Lomas, not being able to follow the rest. I am sorry I must also tell you that Mr. Ulrich also got shot, but this case offers something as a proof how false all the accusations on the part of the government have been. They could not help, but had to fall upon him from the moment that they had told you there was still money in your possession belonging to the people who had robbed the treasury. They could not arrest Mrs. Grant, and did not like to arrest Mr. Parodi, that gentleman being of too much necessity to them; so poor Ulrich had to suffer for all. But strange to say, the correspondence in which Ulrich was stated to you to be guilty, bears the date of the 10th; I saw him on the 22d of that month in Ita, when he and everybody else knew nothing about it; and then, when the *Semanario* appeared, when your correspondence about that case was published, then of course they had to bring him to prison and kill him.

As regards other foreigners, I make the following remarks: Doctor Fox, being in a deplorable state of health, was allowed, about two months ago, to retire to England on the Italian gunboat. Messrs. Twite, Burrell, and Valpy are still with the rest of the Paraguayans in the mountains. The same with the rest of the English engineers of the arsenal. M. Parodi is in charge of the hospital in Cerro Leon.

So far at present. I should feel very much obliged if you would write to me a few lines to inform me how you, your lady and child are getting along. My address will be, for the next few months,

R. VON FISCHER-TREUENFELD,
Care of Don F. W. NORDENHOLZ,
Consul-General of Prussia in Buenos Ayres.

To the late Minister in Asuncion, Mr. CHARLES A. WASHBURN,
in Washington.

EXHIBIT H.

Private letter from Ex-Minister Washburn to Minister McMahon.

BUENOS AYRES, November 11, 1868.

MY DEAR SIR: The circumstances under which I left Paraguay having been of an extraordinary, if not unprecedented character, in the history of diplomacy, and as our government has appointed you as my successor at the court of his excellency Marshal Lopez, I take the liberty to give you certain memoranda in regard to persons and things in that delightful republic.

The archives of the legation, such as I did not bring away with me, as also those of the former consulate were left in the house that I occupied, the key of which I delivered into the hands of the Italian consul, Mr. Chapperon. The rest of the archives, consisting of the record books of the legation, and all the official letters received by me, I brought away with me, also the legation and consular seals, and silk flag. All these things that I have brought with me I shall leave subject to your order in the hands of Mr. Worthington.

I also left in my house a large number of trunks, boxes, &c., supposed to contain valuables. They were brought to my house at the time of the evacuation of the city, and left there entirely at the risk of the owners. Their contents are generally unknown to me, though there was one trunk belonging to Dr. Wm. Stewart, that had a large quantity of silver in it, plate and coin, probably of the value of \$5,000 or \$6,000. There was another trunk left there belonging to Mrs. Carmelita Gill de Cordal, having in it some 6,000 patacones (silver dollars) and a large quantity of fine jewelry. There was also a chest containing some 12,000 patacones, left with me by a Bolivian named Lizardo Baca. He was a prisoner at the time I left, and Lopez very likely has seized his money.

In one of the iron safes in the office I left some \$6,000, (patacones,) the most of which belongs to two Englishmen, Dr. Frederick Skinner and Charles Twite, which Lopez would not allow me to bring away, although they were both in his service. I did bring away, however, about \$2,000, Paraguayan currency, belonging to Dr. Skinner. This I shall deliver to your care with the archives to be delivered to him, if you should ever see him. I shall do the same with a small box of jewelry belonging to a Mrs. Lasserre, the wife of a French merchant who was in prison at the time I left. He had some trunks in my house said to contain a good deal of money.

About a year ago I collected from Lopez the sum of \$7,700 (patacones) for one Luis Jäger, who claimed to be an American citizen. You will observe in reading my correspondence with the minister of foreign relations the terms on which that money was paid. Paraguay did not acknowledge that she owed Mr. Jäger more than \$5,200, but would pay the \$7,700, nevertheless, if my legation would be responsible for the return of the \$2,500 if, on further and final examination, it should be found to have been overpaid. I accepted it on these terms, and the \$5,200 was paid to Mr. Jäger, and the balance, \$2,539, has ever since been on deposit in the house of Samuel B. Hale & Co., of this city. I shall give you an accepted draft for the money, to be paid over as our government shall order. There is no doubt that in justice it ought to be paid over to Mr. Jäger, and, when I go to Washington, I will try and get instructions for you to that effect.

Some eight or ten months ago I received from Mr. Augustin Piaggio a draft for 200 gold ounces, which amount I was to pay him in Asuncion, as soon as I received notice that the draft was paid. But I got no notice in regard to it till after I left Paraguay, when I found it had been paid. Mr. Piaggio, however, when I left, was, like all other foreigners who were so unfortunate as to have any money, in prison. I therefore have ordered Messrs. Hale & Co. to pay it on the order of Mr. Piaggio. Should you have a chance to communicate with Mr. Piaggio, will you please advise him of the circumstances.

I brought away \$72 (patacones) belonging to John A. Duffield. I shall send him an order for the same on Mr. Hale. He is an American, and I commend him to your attention, and hope you will try and get him out of the country.

We left many friends in Paraguay, concerning whose fate we feel the most painful interest. To spite us, we fear, Lopez may have robbed, imprisoned, tortured, or shot those known to be our friends. We are terribly anxious to know their fate, and depend on you to advise us. Of all the Paraguayans the family in which we take the most interest is that of the late Don José Mauricio Casal, living, if still in their old home, near the villa of Limpio, some five or six leagues from Asuncion. Both Mrs. Washburn and myself were more intimate with that family than any other, visiting them often and being visited by them in return. One of the sisters came and stayed with Mrs. Washburn for five or six months after her confinement. On leaving, I made a request that my horses, four in number, and cows, of which I had about ten, might be sent out to this family. I am afraid, however, they were not sent, but, instead, our good friends were sent off to the Cordilleras, or were taken in irons to the army, and perhaps the backs of the pretty Conchita and Anita scored with the lash. We charge you, both of us, to inquire particularly about this family, and let us know what became of them. Should the war end and they be left in their old home, you will find their house the most delightful place to visit in all Paraguay.

Another friend in whom we take great interest is the widow Doña Carmelita Gill de Corbal. She lived close by, and visited us very often. She is a sister of the Captain Gill who was one of the heroic defenders of Humaita. Few men living have been under fire so much as he. But, because when he and his handful, surrounded by ten times their number, and literally starving, with no possible chance of escape, surrendered, Lopez has published him as a traitor, very probably confiscated the property of all his family and sent them into exile, or, perhaps, taken them in irons to his headquarters to be shot. That is his style. So he has served many others under similar circumstances. Try and advise us of the fate of our spunky, witty, confidential, Lopez-hating little friend. When the war began she had a husband, who was one of the richest men in Paraguay, and three children. Her husband was taken as a common soldier, and sent into the ranks barefoot, and killed in the first battle in which he took part. Now we fear she has nothing left but her iron anklets.

Mrs. Stewart, the wife of Dr. Stewart, was also a good friend of ours, and a superior woman. Should you ever see her, I hope you will advise her that at great risk to myself I brought away her boxes of jewels and ounces, and delivered them to her husband's brother, George D. Stewart, and, also, the equivalent of the paper money she was kind enough to lend me. I also paid over to him the amount of the silver money she let me have with the understanding I was to place it to her husband's credit in Buenos Ayres. Thus, in spite of Lopez, I have been able to secure her and her family some \$5,000 or \$6,000 beyond the tyrant's power.

Mrs. Capdevila, the wife of Ramon Capdevila, who has been a prisoner most of the time since the beginning of the war, was living, when we left, at Capiata, some six leagues from Asuncion. The French consul, Mr. Cochelet, supplied her with the means to support herself and family so long as he remained in Paraguay. After that I furnished her with all the money she wanted, and on my return to Buenos Ayres her friends have refunded to me all that I expended, and I have no doubt that if you do anything for her you will be also reimbursed. She is a most worthy, unfortunate woman.

When I left, there were but three foreigners of any standing or character at liberty: José Solís, a Spaniard, Domingo Parodi, an Italian druggist, and Ventura Gutierrez, a Porteño. The first was the boss flunkie of Mrs. Lynch; the two latter were friends of ours concerning whom we would be glad to know something. We were under many obligations to the Parodis, and beg you to remember them on our account.

The records will inform you of the case of Major James Manlove, an American, native of Maryland. His arrest was an insult to my legation, if not a violation of its rights. I hope to advise you verbally of the merits of his case before I leave. He was a rebel during the war, but he was an American, and I stood by him, though it cost me a good deal of money and an amount of labor of which you can judge by the length of the correspondence.

We desire very much to send our regards to the mother of the President, Doña Juana Carillo de Lopez. Both she and her daughter, Doña Rafaela, were very kind to us, and let us have some things, otherwise unattainable, that were almost indispensable. I wanted very much to see them again before I left, but could not do it. They were virtually prisoners whom no one could visit. I hope you will try and advise me of the fate of the whole family, including the old lady and her two daughters, with their husbands, and her two sons; also, try and let me know something of Mrs. Lynch and her brats.

Several Englishmen and one German, in the employ of Lopez, sent away their money by me. It was brought down by the Wasp. Lest it might be seized in Buenos Ayres and confiscated I sent it to Montevideo, and ordered it to be delivered to the London

and River Plate Bank, and the part that was to be sent to England was to be forwarded as directed on the boxes, and the rest was to be put to the credit of the owners in said bank. The Wasp charged two and a half per cent. as freight, which was all the expense incurred.

I brought away 20 *onzas de oro* (gold ounces) for Percy Burrel, that I deposited in the London and River Plate Bank. I deliver to you the receipt hand-book.

You will understand that I write now in view of contingencies that may never arise. I take it for granted that after Lopez's insults to me, and his seizure of two members of my legation, you will not have any communication with him till the government has been advised of his conduct, and has deliberately resolved on its course of action. I am confident that our government will never resume diplomatic relations with Lopez. I have denounced him as a common enemy, and have no doubt my course will be approved. But a common enemy cannot long stand against the world. He must soon bite the dust, and my hope is that this ogre may be finished off before he has destroyed all my friends in Paraguay. In that case you may learn something of the condition of those who remain, if any such there be, and the way the others were murdered by the grim monster. It is in view of such contingencies I beg of you to advise me of the fate of some of the dearest friends I have ever known. I never was so anxious to leave a place as I was to leave Paraguay, and I never left a place with so sad a heart. I had the feeling that all who had been particular friends to me and mine were to be put to death—perhaps after torture—for that crime.

But I could do no more for anybody, and the more I defied Lopez the more provoked he was to visit his wrath on my friends, and at the time of the last arrival of the Wasp he was on the point of proceeding to violent measures against me. This fact will appear if any of those persons immediately about him shall escape to tell what they know. But he does not intend they shall escape. His plan is to destroy all the witnesses. I beg of you to see if all I now write is not confirmed, and if you will advise me from time to time of what you may learn I will thank you very sincerely, and reciprocate in any way that I may be able.

Very truly, your obedient servant,

CHARLES A. WASHBURN.

P. S.—Though I have marked this private, it is only to indicate that I do not intend to send a copy of it to the State Department. You are, however, at full liberty, now or hereafter, to make any use of it that may seem expedient or proper. I have written with entire frankness, with the double purpose of advising you of the situation, and of bespeaking your good offices for friends in Paraguay.

His Excellency General M. T. McMAHON,

Minister Resident of the United States, Paraguay.

BUENOS AYRES, *November 20, 1868.*

DEAR SIR: After your departure from Montevideo Mr. Worthington handed me a communication from you in relation to affairs in Paraguay, containing several commissions upon the part of yourself and Mrs. Washburn, which you requested me to attend to in Asuncion. It will give me pleasure to be of service to you in the way of obtaining information as to your friends in Paraguay.

I will also endeavor to deliver the package of Paraguayan money, (\$2,000,) and the small box of jewels found in the box containing the archives. The letters you inclosed to me I will also deliver if it can consistently be done.

Beyond this you will, of course, understand that I assume no responsibility for private property left in the legation at Asuncion.

Hoping that you had a pleasant passage home, and that Mrs. Washburn has not suffered from her long journey,

I am, very respectfully, your obedient servant,

M. T. McMAHON,

Minister Resident of the U. S., Paraguay.

Hon. C. A. WASHBURN,
Care Department of State.

BUENOS AYRES, 15 *Cangallo, January 26, 1869.*

MY DEAR WASHBURN: I have much pleasure in letting you know that I am here sound, and for the present safe. I was taken prisoner of war after our complete rout on the 27th ultimo, on the heights of Villeta, where Lopez's headquarters were when you left Paraguay. I had remained too long near the scene of the disgusting carnage, endeavoring with some of our medical staff to move the few wounded who escaped death, (for there was no quarter asked nor given,) towards the wood in the rear; but in

the mean time Lopez sneaked off unnoticed and left us all as he thought to be dispatched by the enemy. He did not halt until he reached Cerro Leon, with two or three followers, as it was impossible for anybody not well mounted to escape through the lines of the enemy; the few sound men who had escaped into the wood remained there four or five days until the enemy retired. Fortunately some cattle had been driven into this wood or everybody would have been reduced by famine. In trying to escape and get off towards Cerro Leon, I was made prisoner and well treated by the Brazilians. We had brought in from Asuncion and Cerro Leon, and from every other place where there were any troops, every available man, but after all we did not exceed 2,500 on the morning before the fight commenced, against 16,000 of the allies. We had only four field-pieces of artillery and very little ammunition, against 80 pieces of the enemy, pouring a continuous fire into us from two-thirds of our circumference. Our position was defended by a trench on one side, but the enemy attacked on our right and left flanks, where we had nothing more than an abatis of branches to hide the few men behind. Headquarters had removed on the 23d into the wood in the rear. The enemy soon took the position on the 27th by a simultaneous attack on all sides, at 6 a. m., but did not until 8 o'clock cut off our retreat in the rear, although more than half of their troops remained inactive throughout the engagement. Mrs. Lynch followed Lopez, but where she overtook him I don't know; Skinner, I think, accompanied her. Lopez is now in the Cordillera above Cerro Leon, (from four to eight leagues distant.) The sick and wounded are at Caaupé, the archives and government at Piribebuy, and the small remaining population of the late republic of Paraguay in the neighboring villages of Altos, Barrero, &c.; but most of the migrating families are bivouacking under the trees.

Lopez issued an order dated December 28, and which you will find in the newspaper, calling everybody up to the Cordillera. Early in December people were ordered to proceed to that part of the country, and none of course dared disobey. Our entire loss in the engagements of the 6th, 11th, and of the 27th December last, in killed, wounded, and missing, was over 15,000 men, 35 chiefs, and 540 officers. Of course, most of those were boys, from eight years old upwards, and many very old men, some of them quite blind. Every male in the country that could be got at was brought down. There were in the hospital at Cerro Leon nearly 6,000 sick and wounded, of whom 1,500 may be now on duty again, or perhaps 500 more may have been scraped together from the partidos. This is all Lopez can possibly have. No guns or small-arms were saved after the last defeat, and they have no ammunition left.

On the 1st instant the Brazilians marched to Asuncion and arrived on the 5th, when they commenced the wholesale sack of the town. I suffered, as usual, severely in this plunder, and I estimate my loss at the lowest calculation to be £2,000, for I had not removed anything from my town house nor from my quinta. I hear there is no hope of obtaining indemnization, although I was delivered to the commander of her Majesty's gunboat *Cracker* as a free British subject, on the 1st of January, and that property is clearly that of a British subject. Perhaps, however, when this unaccountable sympathy for Lopez is dissipated by the indisputable corroboration of the disclosures of Lopez's barbarities during the last six months, people will think I deserve at least some sympathy for my misfortune.

Already there is a great commotion here since we confirm all you said about that monster, but there are still a few who are ashamed to acknowledge that no further proof is required. Your cause is mine, and I have fought the battle in the very strongholds of personal prejudice and calumny. I have also told Brazilians and Argentines that they are quite mistaken about you, and I tell you that, unless they retract and do you justice immediately, I will compel them to do so. I scorn threats as much as applause.

My family and a number of our countrymen are still in the power of Lopez, so I must be prudent in making disclosures yet a while of his atrocities. Is it not most humiliating to the States, and to Great Britain, and to France, and Italy, that Lopez has hitherto succeeded in bamboozling the well-meant efforts of our government, owing to a few young sailor officers who were sent to treat with him, when our ships are riding all the while at anchor in the Plate and in the quiet harbor at Rio? I am confident that it only requires to be known to merit the just censure of public opinion. I have a great deal to tell you, but I would rather not write it. The devil is in our diplomacy. (!) Well, enough of this at present.

Skinner, Valpy, and Burrell are in the Cordillera. Rhind died of phthisis. Fox went away in the *Beacon*. I asked Lopez if he could send some money to England. He replied, "he can not only send his money, but go himself too, as he is quite useless." I bowed and went away to tell Fox; so he sent his traps on board, and the President was furious when he knew it. You can perhaps imagine how he looked at me. On the 5th instant I met Caverville at Asuncion; he told me he had dined with Lopez above Cerro Leon, on the 29th ultimo; that it was there reported I had deserted to the enemy, &c., but that my family had not yet been made to feel the usual penalty of imprisonment and torture.

After serving Lopez with perfect fidelity for 12 years, here I am alone and in the

greatest anxiety about my wife and children, and having lost a considerable fortune in the war, my misfortune in falling prisoner might excite the pity of any man but Lopez, who chooses to initiate a calumnious charge against me, to have a pretext for sacrificing my family. My only hope is in McMahon, to whom I recommended my family, who accompanied him from headquarters, on the 23d ultimo, and if you have still any influence with your enlightened government, I pray you will ask their interest with McMahon, in behalf of my family. Give my sincerest regards to Mrs. Washburn, who was fearfully situated at the same time that Lopez hesitated whether both of you should be made to share the same cruel death with the 500 men and women he sacrificed under a false charge of treason. Among the latest victims were the bishop and the dean, Bogado, General Barrios, and Berges, the wife and mother of Colonel Martinez, of Humaita, Colonel Alen. Taylor, Treuenfeld, Von Versen, several Argentine and Brazilian prisoners of war, escaped from the calabozo when Lopez was routed on the 27th ultimo; most of them horribly emaciated, but all are fortunately in sound mind. Manleva and the American carman, Duffield, were both cruelly beaten, and when they could endure no more they were dragged out on a hide and shot. The same fate befell poor Stark; within a few days of reaching San Fernando he was shot, because he could endure no more cruelty.

There are at present in Lopez's power about 25 Englishmen, and about a dozen Spaniards, French, and Italians; altogether, 60 English, and about 100 French, Italian, German, and Spanish women and children. Besides these, there are about 30 Argentine women and children, and about 50 prisoners of war. All these unfortunate people will die of starvation if the necessaries of life are not sent to them, or if they are not speedily delivered from the revengeful grasp of their destroyer. But with all these facts full in view, the allies are not moving out of Asuncion, nor does any European or American representative in the Plata bestir himself in behalf of his suffering countrymen in Paraguay. Who will be blamed for it when it is proved that hundreds of precious lives might be saved by opportune interference? Probably nobody.

Of the 250 prisoners who marched from San Fernando for Villeta, only three are now alive. All who could not walk were lanced; and I fear the same tragedy will be continued in the Cordillera.

You are no doubt aware that the French consul's behavior is criticised very severely, and that M. Noel has gone up to Asuncion, where Cuverville is with the French consulate! Chapperon is with his family in Campo Grande. What can be the meaning of these men leaving Lopez just now? McMahon is with Lopez perhaps because he thinks he may prevent him from committing wholesale murder of the foreign residents. I am going to England by the mail which leaves Montevideo the day after to-morrow. George Thompson goes along with me.

I almost forgot to tell you that McMahon delivered your message about the box which you were not allowed to bring away with you, and which was my property. I have been able to learn nothing about it, although I went to your house with Mr. Chapperon to search for it. I found my wife's trunk, containing clothes, and another small portion of patacones. The missing box contained 200 pounds of silver plate, a few gold ounces, \$4,000 paper currency, and some title deeds. Our property has completely disappeared, and nothing remains but two or three sacked houses, and some leagues of land, which at present are entirely unproductive.

While so many of my countrymen, and particularly while my family remain in the power of Lopez, I dare not appear in print, so you must do me the favor not to publish this letter, nor permit my name to be mentioned.

The mail is closing, so I defer the communication of other interesting facts until I reach England; and wishing yourself and Mrs. Washburn a pleasant sojourn in your native land, I remain, in haste, your sincere friend,

WM. STEWART.

WASHINGTON, D. C., April 12, 1869.

PEIRCE CROSSBY, captain of the United States navy, sworn and examined.

By the CHAIRMAN:

Question. Have you read the memorials referred to this committee in regard to Paraguayan matters?—Answer. I have not read all of them.

Q. State to the committee what you know in regard to these matters.—A. I received these orders (Rio de Janeiro, dated 21st July, 1866,) [annexed to testimony, marked A 1.] to prepare for service up the river, and acknowledged Rear-Admiral Godon's letter of July 21, 1866, on August 1, 1866. [Letter annexed to testimony, marked A 2.] I reported the Shamokin ready on August 16, 1866, in obedience to his order. [Letter annexed to testimony, marked A 3.] I then wrote to Rear-Admiral Godon, United States navy, [annexed to testimony, marked A 5.] notifying

him of the minister to Paraguay being at Buenos Ayres and expecting to go up the river to Asuncion in the Shamokin. I mentioned this fact, as I wished if such was the case to prepare accommodations and mess arrangements for him and his family. I also wished to consult and get some instructions in regard to the torpedoes and obstructions which were in river Paraguay, and had been there since my arrival on the station in the spring of 1866, as they might render it impracticable to go to Asuncion in the Shamokin. Rear-Admiral Godon acknowledged my letter, but made no allusion whatever to my taking Mr. Washburn. And as he had not deemed it necessary or proper to advise me what the nature of my duties would be, I considered that it would be presumptuous on my part to ask him any questions, and therefore determined to await patiently for orders and then to obey them. Rear-Admiral Godon merely replied to my letter in which I made mention of Mr. Washburn by advising me to continue holding myself in readiness for service up the river. [Letter annexed to testimony marked A 6.] Believing, however, that I would be ordered to take Mr. Washburn and family up the river in the Shamokin, I took the responsibility and precaution to put up state-rooms in my cabin [see letter annexed, marked A 24,] and be all ready the moment I received orders. I also laid in a supply of provisions, &c., and kept myself ready in all respects for whatever duty might be assigned me, and waited in this way some weeks, when I received these instructions from Admiral Godon to take Mr. Washburn to Asuncion, upon his application in writing. [Annexed to testimony, marked A 10.] I also received a private note from Admiral Godon, which, I see in his letters to the Hon. Secretary of the Navy, Mr. Welles, he mentions as a semi-official note, and says in it he directed me not to regard the protest that would be made by the Brazilian admiral in command of the forces up the Paraguay. The semi-official note mentioned in Admiral Godon's dispatches was not a semi-official note, but was a private note, and so considered by Admiral Godon at the time he wrote it, as he wrote upon it the word *private* and merely directed it to "My dear Captain," and signed himself "S. W. Godon," without even giving his title. Here is the original note, [annexed to testimony, marked A 11,] which I considered as merely giving Rear-Admiral Godon's private views of matters, and did not consider it an order in any way, nor did I consider myself bound to obey his directions in that note or that it relieved me from any responsibility, but left me to obey his orders to take Mr. Washburn and family to Asuncion, on his application in writing, according to his order of October, 1866, and not to delay my journey; ignoring entirely in his official letter and order to me any difficulty or obstructions that I might encounter.

I cannot understand why Admiral Godon, when, as he says, he was informed by certain officials in Brazil that a protest would be made to the Shamokin's going through the blockade on the Paraguay, did not so inform me in his official communications, and give me positive orders not to regard them, but to go on until the Brazilians stopped me by force. Rear-Admiral Godon does not even mention the protest in his order to me, but says in his private note that it is known that orders have been sent to allow the Shamokin to pass; that "a *protest* by the blockade need not be regarded—nothing but absolute *force* should prevent you; however, if the river is *too low*, then you cannot go up *now*—go as high as you can, and wait till the waters rise. Rosario would be a good place to remain at till you can go up." With these instructions I sailed for Asuncion, with Mr. Washburn and family on board, and arrived at Corrientes November 2, 1866, and reported my arrival to Rear-Admiral Godon, and that I would go on up the river on that day. [See letter annexed, marked A 15.] On the same day I arrived at the mouth of the Paraguay river, [see letter dated November 3, 1866, annexed, marked A 16,] and was there boarded by the Brazilians blockading there. I informed them of the nature of my duties, and received in reply that no instructions whatever had been received regarding Mr. Washburn's going up, or the Shamokin taking him up. It was then dark, and I had anchored. I informed the Brazilians that I should go on up in the morning, and wished to communicate with the admiral immediately. I sent a letter informing him of my duties, [letter annexed to testimony, marked A 234,] and received in reply by my officer bearing dispatches, as well as by the Brazilian admiral's officer, that he, the admiral, had received no instructions regarding the Shamokin and Mr. Washburn; also, that he would call on board to see Mr. Washburn and myself about Mr. Washburn's going up. On the following morning Admiral Tamandaré arrived on board. I received him and conducted him to my cabin, where he and Mr. Washburn and myself entered into conversation regarding our passing through the blockade. Admiral Tamandaré said most positively that he had not received any instructions whatever regarding his allowing Mr. Washburn's going up in the Shamokin, and was assured by Mr. Washburn that he had been informed that instructions had been sent; but notwithstanding this, Admiral Tamandaré said he could not consent, but was anxious that Mr. Washburn should go up in their vessel. Finding that Admiral Tamandaré was endeavoring to prevent the Shamokin going up with Mr. Washburn, I determined to oppose him, believing that it would meet with the approval of my government, and told him that I had received peremptory orders to take Mr. Washburn to Asuncion on board the Shamokin; that I would do so unless prevented by absolute force. Admiral Tamandaré

became very much excited at this decision, and remarked on my taking the grave responsibility, and then consented, under protest, to my taking Mr. Washburn up in the Shamokin, and requested me to give my reply to him in writing, which I did. [See letter annexed to testimony, marked A 24.] Admiral Tamandaré was certainly placed in a very awkward and embarrassing position, regarding the Shamokin's going through his blockade with the United States minister on board, as he says he had no instructions whatever from his government concerning her or Mr. Washburn. I too was placed in a very delicate position, but knowing that my government was impatient on account of the difficulties thrown in the way of Mr. Washburn's getting to his post by the allied forces, and was determined that he should go, and as Admiral Godon had not alluded to such difficulties as I might encounter, or given me orders to meet them, but leaving me to act on my own responsibility, I decided to go on. Admiral Godon directed me in his orders not to delay my journey. This would lead one to suppose that he did not expect that I would meet with any serious difficulty, but was merely intended that I should not make delay or stoppages other than would be necessary under ordinary circumstances in going up and down the river. Yet in his private note, which he calls a semi-official note, he says to the Secretary of the Navy that a protest would be made, (see Admiral Godon's letter published, dated Montevideo, December 10, 1866, No. 132, Ex. Doc. No. 79,) and that he had instructed me to disregard it. Now, had Admiral Tamandaré opposed me, and had taken the responsibility of firing into the Shamokin, and had prevented me by force from going through the blockade, Admiral Godon's instructions to me were such as would have shielded him from the responsibility of my act, as he conveys the idea in his private note that he supposes instructions had been sent, and at the same time his orders were such as would not have saved me from his censure or that of the government, had I delayed my journey until I could hear from him, or learned that orders had been received from Admiral Tamandaré to allow the Shamokin to pass under protest.

After Admiral Tamandaré consented under protest to the Shamokin's passage, before starting, I with his consent sent Mr. Pendleton [see his report marked A 18, annexed,] a bearer of dispatches to Lopez, concerning our going up to Asuncion to arrange about pilots. After this officer returned and all was ready, I passed up through the Brazilian lines and landed Mr. Washburn and family at Curupaiti, the first fort on the river on the Paraguayan side, and about one mile above the Brazilian forces. As Mr. Washburn and family and baggage had to be landed there, and as the Shamokin was directly in the way of the line of fire of the combatants, and hostilities having been suspended only a few hours for us, I deemed it improper to remain longer than to land Mr. Washburn on the bank and return immediately outside of the Brazilian blockade. I was fully under the belief until I anchored [see letter annexed, marked A 17] that the Shamokin would go far enough up the river to be beyond the batteries of the allies, where I could lay within the Paraguayan lines and wait for any documents Mr. Washburn would have to send back. I was but within a ship's length of the anchorage when I received the first intimation from the pilot to anchor. I remonstrated against anchoring there, but received answer that such were the orders of Lopez, not to take the vessel further, that the Shamokin was then within about 20 yards of torpedoes, and she would be in great danger to go further up. As everything had to be hurried to get back before dark, and Mr. Washburn wishing to send dispatches to his government, and not having any one with him beside his wife and female servant, and all his baggage and stores lying on the river bank, I consented, at his urgent request, to let Mr. Pendleton remain with him and bring down the dispatches which he had to write. As the Shamokin was in Paraguayan territory as a right, and not with the permission or consent—except under protest—or as a privilege granted by the Brazilians, I did not believe that my actions were to be directed by the Brazilians, but that I had the perfect right to leave an officer if I chose to do so for the purpose intended, without consulting the wishes of the Brazilians, and I also considered that the American minister had the right to send this officer as bearer of dispatches for the government of the United States back through the lines to the Shamokin. Indeed, I could not see any sensible or reasonable objection to doing this, that is, to allow this officer to remain for dispatches. If any one with reason could have objected, it would have been President Lopez. As will be seen, however, I returned outside the blockade and sent a note to Admiral Tamandaré, notifying him of the officer having been left, and requesting his permission to return to the Brazilian lines, as will be seen by the accompanying document, [annexed to testimony, marked A 26.] The officer returned. [See his report annexed, marked A 19.] Admiral Tamandaré made a long protest against it, [annexed to testimony, marked A 28.] Having been defeated in preventing the Shamokin going up, he caught at this chance to make a serious point of it, but even in that he has failed, as I have never heard of the matter since, and Rear-Admiral Godon in his communication to the Navy Department alludes to it by saying there does not seem to be any point in it. [Letter 132, printed, Ex. Doc. —, headed "South Atlantic squadron, U. S. flag-ship Brooklyn, (2d rate,) harbor of Montevideo, December 10, 1866."] I did not answer Admiral Tamandaré's protest, as I did not receive

it until I had returned to Buenos Ayres, but forwarded a copy of it to Rear-Admiral Godon. Unfortunately, on my way down the river to Buenos Ayres a steamer ran into the Shamokin during the night, damaging the Shamokin seriously and herself too, so much so as to cause the other steamer to sink, after great exertions to keep her afloat. At my request a court of inquiry was held upon the case, and I was exonerated from blame, as facts proved I had saved my own vessel, and that the collision was caused by the bad management of the strange steamer. To repair damages to the Shamokin I went into the Lujan river, 20 miles distant from Buenos Ayres. Shortly after this, Rear-Admiral Godon arrived in the Wasp. I will here mention that several days after landing Mr. Washburn in Paraguay, and when about 600 or 700 miles down the river, near Rosario, I received from a Brazilian transport this document, [marked A 20, annexed to testimony,] in which Rear-Admiral Godon says I did not allude in my former letter to torpedoes or other difficulties that you might encounter. As this letter is among his published official dispatches to the Secretary of the Navy, and appears as one which I was supposed to have received, and to have had as my guidance and instruction, I will here state that it did not reach me until some days after my mission up the river had been executed, consequently had no effect upon my conduct. Had I been furnished with this letter at first, I should not have considered myself authorized to pass the Brazilian blockade under the circumstances which I did. When the Wasp anchored in the Lujan river, near the Shamokin, I went on board to report and pay my respects to Admiral Godon, when he questioned me about my trip to Paraguay and my mission generally. He reprimanded me for allowing Mr. Pendleton to remain to bring down dispatches, and asked me why I had done so. I explained to him the circumstances, and he became angry, and said, "do you think a minister is of great importance?" and was greatly provoked because I did not agree with him that I was wrong in leaving Mr. Pendleton within the Paraguayan lines as I have stated. He also said that it was for this very reason he wrote that note to me, "giving my opinion of Mr. Washburn, in order to put you on your guard, and not to allow yourself to be influenced by him, but to trust to your own common sense." It was previous to this that Admiral Godon asked me if Mr. Washburn had paid me his expenses for taking him up—that is, for his mess bill for himself and family. I replied to him by saying that Mr. Washburn had offered to pay the expenses he put me to for taking him up, and had given me a check for 16 ounces in gold, equal to about \$250, but that I would not accept it and tore it up. Rear-Admiral Godon said to me in his private note that Mr. Washburn must pay his own expenses, but he said nothing in his private note about making or asking what accommodations I had for him and family, although he must have known that they were very poor and limited. The naval regulations give full instructions about ministers paying their own expenses, and I was fully aware of it because I had read them, and as the money came out of my pocket and not out of the government, I considered it my privilege to treat my guest with all the hospitality that I chose to, without being responsible to Rear-Admiral Godon. I also considered it very indelicate and impertinent, under the circumstances, on the part of Admiral Godon to ask me such a question, as it was evidently not done with the desire or interest that he felt in Washburn's welfare or wishes to learn that he had been treated with kindness and hospitality, nor for his interest in my purse, but with the evident hope that I had made Mr. Washburn pay his full proportion for all he had received, as he gave no expression of pleasure when he found I had been so hospitable to Mr. Washburn, but by his silent reception of my answer was evidently disappointed, and impressed with the fact that I had not been influenced by his private wishes, nor had lowered myself in any manner to commit a sordid act.

On the day that I received Mr. Washburn and family on board and left for Asuncion, Paraguay, I was suffering intensely from neuralgia and had been confined to my bed several days, but went on deck to receive Mr. Washburn, and through my sickness and having my attention drawn to other matters concerning the ship I entirely forgot to write to Rear-Admiral Godon, who was then at Rio Janeiro, and inform him of my having received Mr. Washburn and family on board, and having sailed for Paraguay. Rear-Admiral Godon censured me severely for this, and, as I laid myself liable for this oversight, I expected that he would make the most of it and censure me. I cannot remember whether it was on this same day or the day following that I was on board the Wasp, and talking with Admiral Godon in the cabin regarding this Paraguayan business, when he asked me something about the private note. He wanted to see it. I told him that I did not know exactly where it was, but it was somewhere among my papers, I thought. He then said something to this effect: "Is that the way you keep your papers?" I do not remember my exact reply, but it was in a very respectful manner. Shortly after this, I went out of the cabin in company with Admiral Godon, and was talking with him, when he noticed that the forward awning of the Shamokin was furled, and it was very hot, the sun shining brightly, and he called my attention to it. I found after I went on board that the armorer was using the forge directly under it, making bolts to repair the vessel with, and was making other iron-work; besides, there was plenty of shade for the men under the other parts of the awning and hurricane-deck. I replied in a very respectful manner that I had given orders to Mr. Spencer, the execu-

tive officer, to have the awning spread every day, according to squadron orders. Rear-Admiral Godon then said: "I would take damn good care to have the awning spread over my own head," and then spoke, in a voice loud enough to be heard from one end of the ship to the other: "Go on board your ship, sir, and have your awning spread." I left Admiral Godon, without making any reply, to go on board and obey his orders, and when I got to the gangway he called out to me to "send your cockswain to tell the executive officer to do it." I replied I would go myself, and left his ship, as I did not wish to subject myself to his coarse and ungentlemanly conduct, and to have my feelings outraged by him. I was of course very angry and indignant at his conduct, but made no reply, as I intended to report him to the Secretary of the Navy, Mr. Welles. Although I doubt, from what I have seen in the case of Commander Wells's treatment by Admiral Godon, and his inability to get satisfaction from Mr. Welles, the Secretary of the Navy, that I should have fared any better. On the afternoon of the day of this ungentlemanly and unofficer-like conduct of Rear-Admiral Godon, he called alongside of my vessel, in the company with Commanders Kirkland and Marvin, to go on shore with them to take a walk. I went to the gangway, and Admiral Godon requested me to go with him. I respectfully declined. He repeated his invitation, and I declined a second time. Commander Kirkland then asked me to go, but I declined again. They then shoved off from the Shamokin and went ashore. I learned from Commander Kirkland, afterwards, that Rear-Admiral Godon was very angry on account of my refusal to go with him in his boat on shore, and I can well believe that he was, as his treatment to me *was* in the presence of these officers and men in his boat, and my refusal to accept his advances to me was also in the presence of the officers of my ship and of those who were with him in the boat, and he, no doubt, was much mortified when he found that he could not act towards me as he had done, with impunity, and found that I meant to resent it. Shortly after this, I had occasion to send Rear-Admiral Godon some official communications. They happened to be sent on a Sunday. Some of these dispatches he received, but through a spirit of malice, and to treat me with disrespect, he returned the others through his fleet-captain, in company with this note: [annexed to testimony, marked 6½.] I will here mention that I had not violated any orders of the service or squadron regulations, nor was it inconsistent with the religious feelings of Rear-Admiral Godon to receive them, as he allowed a dancing party to be given on the Wasp on the following Sunday, and he was present, which was certainly a direct violation of the Sabbath, and there was no reasonable objections whatever that the documents referred to remained in his secretary until the following day. About this time Rear-Admiral Godon went to Buenos Ayres, and remained several days, and returned on a Saturday. I passed him in the river Lujan, within 10 yards of him, and saluted him in passing. He said nothing to me, and I continued on, as I was invited to dine with a Spanish family on shore. Shortly after Admiral Godon got on board his vessel he made signal for me, but I was on shore, and the executive officer went in my stead. On my return he informed me that he had gone to see Rear-Admiral Godon, in obedience to signal, but not understanding that it was for me particularly, I did not go to see him. The following evening I received a message, through the pilot, that Rear-Admiral Godon wanted to see me. I immediately went on board to see him, and he asked me about the ship, and when she should be ready, and I told him. This I had already reported to him in writing, I believe. He then asked me, in the presence of the ladies who were then on board, at the dancing party referred to, why I had not been to see him. As I did not wish to give my reasons in the presence of the ladies I did not answer him. He then gave me some orders relating to getting the ship afloat, as she had been lying on a mud bank, repairing. And I then left his ship and went on board the Shamokin. On the following day—it was, I think, in the morning—I got under way, and was passing the Wasp, drifting and working by her. As the river was very narrow and difficult to pass her it was necessary to go slow; when within about 60 feet of the Wasp, my attention was directed by some one calling out, "Back her," but not supposing it was intended for me—as that was not the tone or manner a gentleman would speak to another—I paid no attention to it, but was looking attentively at my vessel, when, almost immediately after I heard some one call out in the same offensive and ungentlemanly manner, "Back her; do you hear?" Knowing that it was intended for me, and recognizing Rear-Admiral Godon's voice, I turned around and saw that it was Rear-Admiral Godon, standing on the wheel-house, in an old gown. I answered him, and obeyed the order.

After this I went to Montevideo, and in obedience to Rear-Admiral Godon's order, I called to see him on board the Wasp, as he too had gone down in her to Montevideo. But as he could not attend to me then, he ordered me to see him on board the United States steamer Brooklyn. I called accordingly, when Rear-Admiral Godon commenced and found fault generally as regards my taking Mr. Washburn to Paraguay, although I had done my duty faithfully, zealously, expeditiously, and creditably. Rear-Admiral Godon could not find enough generosity in his bosom to say that he was pleased at my having successfully accomplished a difficult journey and fulfilled a delicate mission. At the time I received instructions to take Mr. Washburn to Paraguay I was at Montevideo, and was detained there by duties, and as I received orders to take Mr. Washburn

on board, on his application in writing, I quoted that part of my instructions, and sent the letter up by the mail steamer, so that he could make his preparations. [Letter annexed to testimony, marked A 13.] I had a letter for him from Rear-Admiral Godon, but kept it to deliver in person. Rear-Admiral Godon wrote to me inquiring why I had given Mr. Washburn a copy of his order. I replied, as is stated in this letter, [annexed to testimony, marked A 23.] But this did not seem to satisfy him, and he again questioned me about it, and I told him that Mr. Washburn was anxious to get off, &c., and I then asked him how Mr. Washburn was to know that he was to make his application in writing, and that I was to take him when he did so? Rear-Admiral Godon said that he did not care whether he knew or not; he did not care how long he staid there, and then said by my writing I had defeated the very object that he was trying to accomplish. What that object was, Admiral Godon did not state to me. Rear-Admiral Godon forgot that he had written to me in his private (would be semi-official) note saying, "I have written him to inform him of my order to you, and to tell him to apply to you in writing." Now, I cannot see what object Rear-Admiral Godon had, or what objections he could have, to my writing to Mr. Washburn what I did, except it was to get me into his power if he could, and to persecute and annoy me on account of my kindness to Mr. Washburn; and because I did not equal Rear-Admiral Godon in his conduct toward Mr. Washburn. He then spoke of Mr. Washburn's written application to me, and said it was not a proper application; that it was not respectful; that he felt ashamed to send it to the Navy Department; that I ought not to have received it. [Application annexed to testimony, marked A 14.] He then said, "It looks very much to me as though you were acting in concert with Mr. Washburn, and could not even wait to get to Buenos Ayres to see him, but wrote, the very moment you received your instructions, to him to notify him of the fact;" and then spoke of my not notifying him of the sailing of the Shamokin with Mr. Washburn, and said it looked very much as though I was hurrying off from Buenos Ayres for fear that I would receive orders countermanding those I had received to take Mr. Washburn up. He then said that Mr. Washburn had not complied with the instructions he had received from the State Department, and that I had no right to take him up at the time I did, and wanted to know if I was not aware of it—if I had not read his instructions, as though I was to judge of Mr. Washburn's conduct. I considered that Mr. Washburn was fully capable of attending to his duties, and was so considered by the Secretary of State, and that my duties were merely to obey the instructions I received from the admiral or Secretary of the Navy, and not to tell Mr. Washburn his duties. Rear-Admiral Godon also said that he, Mr. Washburn, had spoken to him about bringing Lopez out of Paraguay with him, and for that reason he had not furnished him with a steamer before; also, that it was on that account that he gave me such positive instructions regarding neutrality, letters, Lopez, and other persons. He also told me that Mr. Octaviano, the Brazilian minister, had said to him, that papers with Mr. Washburn's name on them had been found at Corrientes at the time the city was captured by the allies, and that these papers show that certain moneyed transactions regarding arms had been going on between Mr. Washburn and the Paraguayans, which implicated Mr. Washburn, but that he, Octaviano, did not wish to make such a statement to our government, and that this was one of the objections on the part of the Brazilians to Mr. Washburn's going up to Paraguay, as they supposed he was assisting Lopez. Rear-Admiral Godon spoke again about my allowing Mr. Pendleton to remain in Paraguay to bring down dispatches, and argued as one of the great objections to his remaining, that he might have deserted and remained in the Paraguayan territories, and in such a case that the Brazilians could never be convinced that it was not intentional on our part to leave him there. I regarded such reasons as frivolous, as the officer was a married man, anxious to resign and return to his family, besides being a man of high character, and had already been into the Paraguayan lines as bearer of dispatches, as will be seen by his letter, A 18. The whole truth of the matter is, that Admiral Godon was disappointed that I had succeeded so well in getting Mr. Washburn into Paraguay, and was chagrined that I had not acted towards Mr. Washburn in the same spirit that he had done. I must say that I felt great pride and interest in taking Mr. Washburn through, as I had heard of a great many comments upon Mr. Washburn's detention, and it was the common talk in Buenos Ayres among the people; and the American minister, Mr. Washburn, was certainly placed in a very humiliating position. The papers constantly referred to it, which made it very unpleasant, and they predicted that the Shamokin would not be able to get up to Paraguay. The American citizens at Buenos Ayres expressed their mortification about it, and even offered Rear-Admiral Godon the coal to take him up if necessary. After Rear-Admiral Godon had found all the fault he could with me regarding the Washburn trip, he again asked me why I had not been on board to see him. He said if I had any report to make about him, I had better do it, and that he would forward it; but he did not think I would make much out of it. Now, I had not even insinuated to Rear-Admiral Godon that I intended to, or thought of, reporting him, but his own guilty conscience told him that he had violated and outraged my feelings, and that he had done so under the cover of his rank; and that I have no doubt that he felt ashamed of his ungentlemanly con-

duct, knowing that he had committed himself, and wished to smoothe the matter over in order to prevent his being exposed to the Navy Department. I replied to him by saying that I had not been to see him on account of his treatment to me; that he had spoken to me in a manner that I was never spoken to before by any officer that I had ever served under during my long service in the navy; that I required him to treat me with respect; that I was a gentleman, and that he must treat me as such, and that he had not acted as a gentleman should act towards another, and before I would submit to his conduct or treatment, I would leave the navy. I was very angry at the time I replied to Rear-Admiral Godon, and spoke accordingly, and he understood what I meant. Rear-Admiral Godon then apologized to me, saying that he was under the impression by my manner that I had intended to treat him with disrespect on several occasions, and then cited several instances, and that he had noticed these things, and that they were in his mind, and when he gave vent to his feelings, everything came out at once. He also spoke of his long acquaintance with me, and of the kind feelings he had had, and I thought at the time that he was sincere, and told him that I had no idea of treating him with disrespect, as I had always been careful to be polite and respectful on all occasions. After this interview, which was sought by Rear-Admiral Godon, and not by me, he changed his course entirely. He gave me verbal orders to report to him daily when in the same port, which I did, and he seemed anxious to be very civil to me. Although I overlooked his former conduct to a certain extent, but I did not entirely change my opinion of him. Shortly after this interview he visited the Shamokin for the first time while on the station to inspect her, and made, as I afterwards found out, a very unfavorable report of her to the Navy Department, which he was careful to conceal from me, thereby violating the navy regulations, as they require that every adverse report should be given to the officer commanding the vessel, against whom the report is made, in order that he might explain or reply to it. Rear-Admiral Godon did not do this, but kept his report a secret from me. I would here remark, that the change of the admiral's conduct towards me after this interview was remarked upon by Lieutenant Commander Kirkland, and he told me that Lieutenant Commander Marvin also remarked it, and that he did not know the cause of it; that the admiral had dropped me like a hot potato.

Q. What do you understand to have been the reason of the objection or hesitation or reluctance on the part of Admiral Godon to send Mr. Washburn forward?—A. I do not remember that Admiral Godon ever said anything to me about Mr. Washburn before I received these instructions.

Q. And you know nothing of his motives?—A. Nothing more than I have already stated.

By Mr. ORTH:

Q. How did he speak in your presence of American ministers as a general thing; favorably or unfavorably?—A. I could not state anything more on that point than to repeat what he says in his private note to me which I have read. When he was asking me about paying Mr. Washburn's expenses, he remarked, "you seem to think a minister is of great importance."

Q. What was his manner in uttering these words?—A. He said them in a contemptuous way.

Q. Did he use any other expression showing considerable feeling at that time, or any other time, in regard to our foreign representatives?—A. I do not now recall any other remark of that kind.

Q. You heard the testimony of Governor Kirk this morning in which he referred to a remark of the admiral that an American minister was merely the representative of a political party; did you ever hear him making a remark of that kind in connection with this matter?—A. I cannot call to mind any such remark at this moment. Admiral Godon said a great deal in regard to the matter in that way, but I can only give you general impressions.

Q. Did you go down with Admiral Godon's squadron from here?—A. No, sir; I joined the squadron in the early part of 1866, at Rio. He was then at Montevideo; my ship was in very bad condition, and was detained at Rio two or three months for repairs as I recollect; I cannot speak positively as to dates. After that I went down to Montevideo and there met Admiral Godon.

Q. When did you and the admiral go to Buenos Ayres?—A. I remained at Montevideo about two weeks in company of the admiral, and arrived at Rio Janeiro about April or May.

By the CHAIRMAN:

Q. What was the strength of the admiral's fleet during the spring and summer of 1866?—A. He had the Brooklyn, a steam sloop of war, the Nipsic, the Shawmut, the Wasp, and the Kansas, in addition to my own.

Q. What duty were they engaged in during the season of 1866?—A. The Shamokin and Wasp were lying in the river at Montevideo or Buenos Ayres; the Kansas was also there a greater part of the time. The Brooklyn was a part of the time in the river

and part of the time at Rio. The Nipsic was cruising about the coast. The Shawmut returned to the United States about May of that year.

Q. What is the distance between Montevideo and Buenos Ayres?—A. About 100 miles.

Q. What were they doing—meaning the Shamokin, Wasp, and Kansas?—A. I was there as senior officer a great part of the time, and sometimes the Kansas was down there.

Q. Was there anything to prevent Admiral Godon sending a vessel to Paraguay with Minister Washburn at any time during the spring, summer, or autumn of 1866?—A. The Wasp was there, and the Shamokin was there; he could have sent either of these vessels at any time during the spring or summer of 1866.

Q. Would it have endangered the health of the United States officers or crew to have gone up the Paraguay with Mr. Washburn during these months.—A. I think not. The Shamokin was about two weeks on the trip going up and down. There was nothing in the climate to endanger the health of the officers or crew. They all enjoyed it very much and were not sick at all.

Q. Then the apprehensions of the admiral were groundless in that regard?—A. There was no sickness in the river that I remember. There was none at all on board my vessel.

By Mr. ORTH:

Q. Did you have plenty of fuel?—A. I had.

Q. Where did you get it?—A. I filled up with coal at Buenos Ayres before starting, and replenished at Rosario, about 300 miles distant. The squadron obtained fuel at Rosario. I could also have obtained coal at Corrientes, and at Parana.

Q. Did you accompany the admiral in his visit to Urquiza?—A. I did not.

Q. Where were you at that time?—A. I was either at Montevideo or Buenos Ayres, I do not remember which.

Q. You knew of this visit?—A. I remember his making a visit at that time. I remember Mr. Kirk speaking to me about it.

By the CHAIRMAN:

Q. Where was the general depot of coal for the South Atlantic squadron?—A. At Rio Janeiro. I also purchased coal at Montevideo and Buenos Ayres. Montevideo is a coaling port where there is always a large supply on hand, and where the United States vessels got their supply when in the river. I also purchased coal at Rosario, 300 miles up the river, and at Corrientes when I was at that port.

Q. How much additional coal would it have required to have taken your vessel up the river more than to have lain still?—A. I consumed no coal while lying still, except for condensing water.

Q. What would be the consumption of coal for such a trip?—A. I consumed about 200 tons from going up and down.

Q. What did you have to pay for the coal there?—A. Nineteen dollars per ton at Corrientes. I have obtained coal at Montevideo for about \$13. I have purchased coal at Buenos Ayres at various prices, ranging from \$19 to \$30 per ton. At Montevideo I could have got the coal at \$13 a ton, which was only 100 miles distant and would have filled up fairly, but my orders were to fill up at Buenos Ayres; \$13 is the regular price for supplying United States vessels by the coal agents at Montevideo.

By Mr. WILLARD:

Q. Which consumed the most coal, the Wasp or the Shamokin?—A. The Shamokin.

Q. How much more?—A. I might safely say 50 tons more for the trip.

Q. Was there any expense attending your trip except that of fuel?—A. None other.

Q. If you had received at any time a direct order to facilitate Mr. Washburn on his way to Paraguay would the want of coal be any obstacle in the way?—A. Not the slightest; I had no trouble at all about coal. At times coal was scarce up the river, but I never thought of that as a serious objection. Montevideo is the general depot for coal. There is always a large supply of coal there. I have here a letter among the papers appended to this statement written at Buenos Ayres, 100 miles off, on that subject. At any time within a couple of weeks, at the farthest, you could get all the coal you might wish at Buenos Ayres.

Q. So you considered that excuse as amounting to nothing?—A. Nothing at all.

By Mr. WASHBURN:

Q. You say the Shamokin consumed more coal than the Wasp; do you know why the Shamokin was sent in preference to the Wasp? Was there any excuse except that the admiral before the arrival of the Shamokin had refused to send the Wasp on the ground that she would not carry coal enough to take her up?—A. I have my own private supposition on that subject. I do not speak from any knowledge I have. The Wasp was built in England, and ran the blockade to our coast. She went from here,

touching different ports, to Montevideo, and she has brought Mr. Washburn down from Paraguay since that time, and prior to that she went up to carry dispatches.

Q. And you say that Admiral Godon afterwards sent her up to carry dispatches for Mr. Washburn?—A. He did. I do not know whether the extra coal was carried on deck or below, but he had arrangements made for extra coal. These steamers in the merchant service always carried extra coal on the spar deck. It was much easier for the Wasp to go up than the Shamokin, as she drew two feet less water; a vessel of her class drawing six feet could go up at almost any time of the year; but in a dry season the Shamokin's draught of water—eight feet—would prevent her getting over the bars.

Q. Did you not understand from your private letters and other sources that it would have been more agreeable to the admiral if you had not succeeded in getting into Paraguay with Mr. Washburn?—A. I hardly know how to answer that question. I have submitted to the committee all the letters I have received bearing on that question, and I have stated my conversation with the admiral.

Appendix to Captain Peirce Crosby's testimony.

A 1.

UNITED STATES SQUADRON ON THE COAST OF BRAZIL,
FLAG-SHIP BROOKLYN, RIO DE JANEIRO,
July 21, 1866.

SIR: Fill up with coal and provisions immediately and hold yourself in readiness for service up the river.

Make inquiries in regard to the facilities for obtaining coal at Rosario and Corrientes, and report to me the result.

Inform me when your vessel is ready for sea.

Respectfully,

S. W. GODON,

Acting Rear-Admiral, Commanding South Atlantic Squadron.

Commander PEIRCE CROSBY,

United States Navy, Commanding United States Steamer Shamokin.

[Received on July 31 and answered August 1. August 16, 1866, reported ready for service.]

A 2.

UNITED STATES STEAMER SHAMOKIN, OFF BUENOS AYRES,
August 1, 1866.

SIR: I have to acknowledge the receipt of your communications of July 20 and 21 and I am making preparations for sea, viz: purchasing coal and provisions.

I understand that there is coal at Corrientes—about 100 tons, which I will have to purchase here from the parties owning it. It is New Castle coal and is held at about \$19 per ton. I do not know yet how long it will be held at my disposal. Should it be in the market when I hear from you, I have to ask for authority for purchasing it before going up the river. Coal is exceedingly scarce here and I have difficulty in getting it. I am now trying to get 150 tons from a vessel in the "outer roads," which belongs to the gas company of this place and is held at about \$24 per ton. I do not know what success I will have, but will write you by the earliest opportunity. This letter I write now as the mail closes at 11 a. m., before I can get a positive answer, which I have been trying to do since I received your communication yesterday.

There is no other coal here, except the above-mentioned.

We have on board about 100 tons.

Very respectfully, your obedient servant,

PEIRCE CROSBY,
Commander.

S. W. GODON,

Acting Rear-Admiral, Commanding United States Brazil Squadron.

P. S.—I have just seen a party having 100 tons New Castle coal at \$17 per ton, and I have agreed to take it. The coal belonging to the gas company is Cardiff, and I am just informed they will not take less than \$30 per ton, and are very indifferent about selling at that.

I will get 50 tons.

PEIRCE CROSBY,
Commander.

A 2.

UNITED STATES STEAMER SHAMOKIN, OFF BUENOS AYRES,
October 17, 1866.

SIR: I have to acknowledge the receipt of your three communications of October 5, 1866, relating to Mr. Washburn and General Asboth.

In accordance with your instructions I received General Asboth on board this vessel from the steamer Arne, on the 12th instant, and on the following day proceeded with him on board, to this port, in company with the United States steamer Kansas.

I saluted General Asboth upon his coming on board in Montevideo,* and upon his debarkation at this port. I will be ready to proceed up the river with Mr. Washburn as soon as he makes application for me to do so. As there was no accommodation in the cabin of this vessel for Mr. Washburn and his family, I have put up two state-rooms for their convenience.

Very respectfully, your obedient servant,

PEIRCE CROSBY,
Commander.

S. W. GODON,
Acting Rear-Admiral, Commanding United States Brazil Squadron.

A 3.

UNITED STATES STEAMER SHAMOKIN, OFF BUENOS AYRES,
August 16, 1866.

SIR: In accordance with your order July 21, the Shamokin has been filled up with coal and provisions and is now in all respects ready for sea.

The bad weather and difficulty in obtaining coal has prevented me from reporting the vessel ready for service at an earlier date.

Very respectfully, your obedient servant,

PEIRCE CROSBY,
Commander.

S. W. GODON,
Acting Rear-Admiral, Commanding United States Brazil Squadron.

A 5.

UNITED STATES STEAMER SHAMOKIN, OFF BUENOS AYRES,
August 24, 1866.

SIR: I have written by previous mails, which I fear have been delayed, stating that the Shamokin is ready for service up the river; also that coal can be obtained at Rosario. The United States minister to Paraguay is at this place, expecting to go up the river in this vessel. We have no news of importance from up the river, but there is a rumor that a decisive battle is about to be fought.

The Brazilian transport, San Francisco, was consumed by fire in the outer roads on the 20th instant.

Very respectfully, your obedient servant,

PEIRCE CROSBY,
Commander.

S. W. GODON,
Acting Rear-Admiral, Commanding United States Brazil Squadron.

A 6.

[Letter August 11, refers to engineer department, deserters, &c.; but not to Paraguay affairs.

Letter August 16, reporting Shamokin ready for service up river.

Letter August 24, reporting Shamokin ready for service, and United States minister to Paraguay at Buenos Ayres; expects to go up in Shamokin.]

SOUTH ATLANTIC SQUADRON, FLAG-SHIP BROOKLYN,
Rio de Janeiro, September 15, 1866.

SIR: Your several communications of August 11, 16, and 24, reporting that your vessel is prepared for service up the river, have been received.

Continue to hold yourself in readiness to sail immediately, on the receipt of orders to do so.

Respectfully,

S. W. GODON,
Acting Rear-Admiral, Commanding South Atlantic Squadron.

Commander PEIRCE CROSBY,
United States Navy, Commanding United States Steamer Shamokin.

A 6½.

UNITED STATES FLAG-SHIP WASP, LUJAN RIVER,
December 23, 1866.

CAPTAIN: By direction of the admiral I reinclose a portion of the documents just received from the Shamokin; and he directs me to say that he desires that only matters of pressing importance should be presented for his consideration on Sunday.

Very respectfully,

J. D. MARVIN,
Fleet Lieutenant Commanding.

Commander P. CROSBY,
United States Navy, Commanding Shamokin.

[At the time these documents were returned, the Wasp was in the Lujan river. The following Sunday, Admiral Godon allowed a party to be given on board—a dancing party.]

A 10.

UNITED STATES FLAG-SHIP JUNIATA,
Harbor of Rio de Janeiro, October 5, 1866.

SIR: On application in writing from our minister resident at Paraguay, Mr. Washburn, to whom I have written this day, you will proceed with him and his family, in the Shamokin under your command, to Paraguay, and land him in Asuncion.

You will make the best of your way up the river, and on reaching the blockading squadron, you will inform the commanding officer of your orders to convey our minister to his official post; and will not delay your journey. Permit no passengers, letters, or packages to be sent up in your vessel, except such as belong to the minister. Observe the strictest neutrality between the belligerents. You will under no circumstances give to Lopez, or any Paraguayans, a passage in your vessel on your return. After remaining a reasonable time at Asuncion you will make the best of your way to Buenos Ayres. If Mr. Washburn has gone up the river Corrientes, you will go there and carry out these instructions.

Respectfully,

S. W. GODON,
Rear-Admiral, Commanding South Atlantic Squadron.

Commander PEIRCE CROSBY,
Commanding United States Steamer Shamokin.

Private.]

A 11.

U. S. S. BROOKLYN,
*October 8, 1866,
Rio de Janeiro.*

MY DEAR CAPT.:

I have sent you an order to take Mr. Washburn and his family up to Asuncion. It will be as well that you should know how matters stand. I had declined to take, or rather have Mr. W. taken to Asuncion some time ago. The Navy Department app'd of my course. Since then the refusal of the allies to give Mr. W. free pass through the military lines has annoyed the gover't at home, and they—that is, the State Depart't—have directed him to write to the Argentine gov't and com'r-in-chief of the allied armies and demand a free pass through the lines; if this was refused *again*, I was to take Mr. Wash'n up in a man-of-war. Presuming Mr. W. has applied, as directed, I have written him to inform him of my order to you and to tell him to apply to you in writing. At all events, it is proper now that Mr. W. should go to his post, and the Secretary of State *desires* it. Mr. W. will, if he pleases, show you a copy of my orders from the Secretary of the Navy. I am not *required* to send him up if a *free pass* is given him, and it is known that orders have been sent from here *not* to obstruct his

passage; but I think it is proper he should go in a vessel of war, *any how*, now; a *protest* by the blockade need not be regarded—nothing but absolute force should prevent you; however, if the river is *too low*, then you cannot go up *now*. Go as high as you can and wait till the waters rise. *Rosario* would be a good place to remain at till you can go up. The Wasp does not carry coal enough to go and return. Mr. Washburn must pay his own expenses. I do not feel much confidence in Mr. W.'s judgment as an international lawyer, or as to his views in general. So follow your own common-sense, which will be the safest way, I hope. When you reach Asuncion do all you can to make Mr. W.'s landing of consequence to him, and give him every attention. Get me a *dozen* of those *rings* made in Paraguay, marking *prices* on them—they are for others. Get me some of that Paraguay *cordial* or *caña*. I shall be down at the river about the 1st or 15 of next month. You can get *wood* to burn in your furnaces along the river if you have means to cut it. You know that the river gets hot, full of insects, and unhealthy later; so govern yourself accordingly.

Yours, very truly,

S. W. GODON.

A 13

UNITED STATES STEAMER SHAMOKIN,
Harbor of Montevideo, October 12, 1866.

SIR: I have received from Rear-Admiral S. W. Godon, commanding South Atlantic squadron, the following instructions:

"On application in writing from Mr. Washburn, our minister resident at Paraguay, to whom I have written this day, you will proceed with him and his family in the Shamokin under your command, and land him in Asuncion."

General Ashoth is now on board the Shamokin, and I will leave here to-morrow for Buenos Ayres, taking him with me, and will be ready to carry out my instructions regarding yourself.

It is now blowing a gale, and prevents my leaving until I can communicate with the shore and get off the pilot.

I have a communication for you from the admiral inclosed to me, which I consider best to deliver in person as it might not otherwise reach you.

Very respectfully, your obedient servant,

PEIRCE CROSBY,
Commander.

HON. CHARLES H. WASHBURN,
United States Minister Resident at Paraguay, Buenos Ayres.

A 14

BUENOS AYRES, *October 16, 1866.*

SIR: Will you be kind enough to give myself and family a passage in the vessel under your command to Asuncion, and oblige,

Your obedient servant,

CHARLES A. WASHBURN,
United States Minister to Paraguay.

Commander PEIRCE CROSBY,
Commanding United States Steamer Shamokin.

A 15.

UNITED STATES STEAMER SHAMOKIN,
Corrientes, November 2, 1866.

SIR: I arrived at this place with the United States steamer Shamokin at 9.30 a. m. to-day, my run so far having been without accident; and will leave this port this afternoon, and proceed up the river.

Very respectfully, your obedient servant,

PEIRCE CROSBY,
Commander.

Rear-Admiral S. W. GODON,
Commanding United States Brazil Squadron.

A 16.

UNITED STATES STEAMER SHAMOKIN,
River Paraguay, November 3, 1866.

SIR: I arrived and anchored at the mouth of this river last night at dark, and shortly after was boarded by an officer from the Brazilian blockading vessel at the mouth of the Paraguay river, offering the usual civilities and informing me that the blockade commenced here, and that no instructions had been received regarding the passage of this vessel up the river; whereupon I told him that I would go up on the following day; and as he offered his services to carry a dispatch from myself to Admiral Tamandaré, (of which I inclose a copy, marked No. 1,) I embraced the opportunity and sent it immediately, with one of my officers, (Acting Ensign Pendleton,) together with a verbal message to the admiral that I would pay my respects to him as I passed up in the morning.

At 3.30 this a. m., Acting Ensign Pendleton returned, in company with the commanding officer of the Brazilian blockading vessel, and I was informed by them that the admiral had not received any instructions whatever regarding the passage of this vessel up the river; also, that the admiral would come down and call on me at 10 a. m. to-day. At 7 a. m. I dispatched Mr. Pendleton with a letter to General Mitre from the Argentine government, regarding the passage of this vessel up the river, which letter was sent up by Mr. Washburn. At 10 a. m. Admiral Tamandaré called on board, and gave me a letter in answer to my communication in which I had informed him that I was going to Asuncion. The admiral proposed to send Mr. Washburn up by another conveyance. I replied to this proposition (as will be seen in inclosure marked No. 2) by stating that my orders were imperative; whereupon Admiral Tamandaré made his protest, a copy of which I inclose, marked No. 4, also a copy of his first communication, marked No. 3, both of which are in the Portuguese language. After this form had been gone through with, the admiral very kindly offered to send a letter through the lines from Mr. Washburn to General Lopez, announcing his arrival here, and asking for a pilot to conduct this vessel up after passing the Brazilian squadron, in order to avoid torpedoes. I expect to obtain a pilot on Monday, (5th instant,) and will at once proceed on my journey.

I sent Acting Ensign Pendleton as bearer of dispatches from Mr. Washburn to General Lopez regarding our safe passage up the river after getting within the Paraguayan territory, and gave him verbal orders to say to General Lopez that it was my desire to pass up to Asuncion, or to land Mr. Washburn within the lines if possible. As Admiral Tamandaré had received no instructions whatever from his government to allow this vessel to pass up the river, he was placed in a very embarrassing position on my arrival. As my orders were positive, and there was no alternative but to decide the matter at once, either by consenting to our passage under protest or resorting to force, the admiral agreed to our passage under protest. Admiral Tamandaré has been exceedingly courteous in offering every assistance in procuring pilots to go through the obstructions, sending his own pilot to conduct me through his lines.

Very respectfully, your obedient servant,

PEIRCE CROSBY,
Commander.

Rear-Admiral S. W. GODON,
Commanding United States Brazil Squadron.

A 17.

UNITED STATES STEAMER SHAMOKIN,
Parana River, November 9, 1866.

SIR: Acting Ensign Pendleton returned to this vessel at 11 a. m., on the 5th instant, in company with a Brazilian pilot whom Admiral Tamandaré sent to conduct the Shamokin past his fleet. At 1.20 p. m. I got under way and proceeded up the river. After passing the blockading fleet the Brazilian pilot left us, and, in his stead, I received a Paraguayan pilot on board, who conducted the vessel to Curupaiti, about a mile and a half in advance of the Brazilian picket vessel, which was as far as the obstructions in the river would allow this vessel to proceed. The pilot would not attempt to conduct her through the obstructions, saying the danger was too great on account of torpedoes.

At 4.30 p. m. I came to anchor off Curupaiti, and saluted the Paraguayan flag, which salute was returned by the fort. I then disembarked Mr. Washburn and his family, together with their effects, and upon his leaving the vessel, saluted him with 15 guns.

Before passing through the Brazilian lines, Admiral Tamandaré informed me by a verbal message through one of his officers, that he would suspend hostilities for four or five hours, during our passage.

I fully expected to be able to go above the Paraguayan fortifications, but the Paraguayan officers and pilots said it was impossible for this vessel to pass through the obstructions which are situated immediately below the fort, telling me there were torpedoes only a few feet above where the vessel was then lying. I therefore had to land Mr. Washburn below the Paraguayan fort.

The Shamokin laid in a direct line between the Brazilian fleet and Curupaiti, and it was impossible for her to remain in the position she then occupied without embarrassing the movements of the Brazilian fleet. Under the circumstances I could not wait for such communications as Mr. Washburn wished to send by this vessel, and, at his earnest request, I dispatched Acting Ensign Pendleton to accompany him to his destination, that he might return with such dispatches as Mr. Washburn might wish to send. At 1 p. m. I got under way, and proceeded to my anchorage at Tres Bocas, below the blockading fleet.

On the 6th instant I sent a letter to Admiral Tamandaré, informing him that I had sent an officer with Mr. Washburn to bring back his dispatches, of which letter the inclosed, marked No. 6, is a copy.

On the 7th instant Mr. Pendleton returned with dispatches from Mr. Washburn, and was brought down to this vessel by a Brazilian gunboat.

Admiral Tamandaré sent me a verbal message through an aide-de-camp that he had not had time to answer my letter of the 6th instant concerning the return of Mr. Pendleton, but that he would protest against his return through the lines, and would send me his protest at Buenos Ayres.

On the morning of the 8th instant I left Tres Bocas for Buenos Ayres.

Inclosed (No. 7) I send a copy of Mr. Pendleton's report to me concerning his transit through the Brazilian lines, and his interview with General Lopez; also a copy (No. 8) of his report concerning his passage to Humaita with Mr. Washburn.

Very respectfully, your obedient servant,

PEIRCE CROSBY,
Commander.

Rear-Admiral S. W. GODON,
Commanding United States Brazil Squadron.

A 18.

UNITED STATES STEAMER SHAMOKIN,
Tres Bocas, November 5, 1866.

SIR: In compliance with your orders of the evening of the 3d instant, "to proceed to the camp of his excellency Francisco S. Lopez, president and commander-in-chief of the republic of Paraguay, and from him ascertain whether there are obstructions in the river Paraguay which will prevent the United States steamer Shamokin passing to Asuncion, and if so, to learn how far the steamer could come within his lines with safety; and also to make an arrangement for a pilot to come on board after the Shamokin had passed the Brazilian blockading squadron," I have the honor to make the following report:

At 5.10, on the morning of the 4th instant, I left this ship, having in my possession an unsealed communication addressed to his excellency Francisco S. Lopez, president and commander-in-chief of the republic of Paraguay. I went on board the Brazilian gunboat Ivahy, and was soon under way for the flag-ship of Vice-Admiral Tamandaré, commanding the Brazilian naval forces on the Paraguay river, reaching there about 11.30 a. m., and from the admiral receiving another letter addressed to his excellency Francisco S. Lopez, &c.

The preliminaries of a flag of truce having been arranged, I started about 1 p. m. under an escort of cavalry, bearing the American and Brazilian flags, with a flag of truce, to cross the lines; we were met by an escort from the Paraguayan forces at Curupaiti, who conducted me to the headquarters of General José Dias, where I remained until my presence was made known to his excellency President Lopez, who desired a personal interview with me.

About 5 p. m. I reached his headquarters, delivering my communications, and in answer to your inquiries as to the Shamokin being able to pass to Asuncion from above the Brazilian squadron, he informed me that it was impossible for the ship to do so. And although he regretted very much that we could not reach the capital, the obstructions were such they could not be temporarily removed, and it would be very dangerous to pass above Curupaiti, and that he would provide a pilot to take us as soon as we passed the Brazilian fleet.

He informed me that he wished to return a letter to Hon. Charles A. Washburn, informing him of the matter. On the following morning about 7.30 I received two sealed letters from President Lopez, (through one of his staff,) one addressed to Vice-Admiral Tamandaré, the other to Hon. Charles A. Washburn.

I immediately started to return, doing so by the same medium through which I went, reaching my ship at 12 m., bearing the dispatch to the Hon. Mr. Washburn, and delivering the one addressed to Vice-Admiral Tamandaré in person, at the headquarters of General Porto Alegre, as I returned.

Very respectfully, your obedient servant,

R. C. J. PENDLETON,
Acting Ensign United States Navy.

To Commander PEIRCE CROSBY, U. S. N.,
Commanding United States Steamer Shamokin.

[This is the same officer that the Brazilians made such a long protest about my leaving him with Mr. Washburn to bring back dispatches.]

A 19.

UNITED STATES STEAMER SHAMOKIN,
Parana River, November 8, 1866.

SIR: In obedience to your orders of the 5th instant, "to accompany Hon. Charles A. Washburn, minister resident to the republic of Paraguay, within the lines of the Paraguayan army, and return with such communications as he may desire to send by me," I have the honor to make the following report:

On the evening of the 5th instant I left this ship, then lying under the fortifications of Curupaiti, on the Paraguay river. Upon reaching the shore I learned that Mr. Washburn had started for Humaita, and I immediately followed, reaching there about 8.30 p. m. The next morning a steamer was placed at Mr. Washburn's disposal, and preparations made to leave that evening for Asuncion.

At 9 p. m. Mr. Washburn gave me a package addressed to General Asboth, United States minister to Buenos Ayres. I returned to Curupaiti the same night, in order to cross the lines early the next morning, but was detained from doing so by an engagement having taken place between the two armies on the extreme right. After the firing had ceased, General Dias, of the Paraguay army, sent me under flag of truce to the Brazilian lines, where I was received by the picket guard, and by them detained until my presence was reported to General Porto Alegre, who returned word that I would not be allowed to pass. In this peculiar situation I asked permission to communicate with you, which was very cheerfully granted. The note being intercepted by Vice-Admiral Tamandaré, he at once had an interview with General Porto Alegre, and dispatched an officer to inform me I could pass, but only under protest, as there had been no understanding that any one but Mr. Washburn, his wife, and one servant, were to leave the Shamokin. Admiral Tamandaré kindly sent me on one of his small steamers to return to my ship, which I did about 5 p. m. on the 7th instant, bringing with me the correspondence of Mr. Washburn.

Very respectfully, your obedient servant,

R. C. J. PENDLETON,
Acting Ensign United States Navy

To Commander PEIRCE CROSBY, U. S. N.,
Commanding United States Steamer Shamokin.

[NOTE.—Mr. Pendleton is the same officer who was bearer of dispatches from the Shamokin to President Lopez, with the consent of the commander-in-chief of the allied forces, and there was no sensible or reasonable objection to his remaining with Mr. Washburn to bring his dispatches, notwithstanding the protest of Admiral Tamandaré.—P. C.]

A 20.

[On the 5th November landed Mr. Washburn at Curupaiti

On the 8th November left the Tres Bocas.

About the 11th November arrived at Rosario, where I received this communication.]

SOUTH ATLANTIC SQUADRON, FLAG-SHIP BROOKLYN,
Rio de Janeiro, October 21, 1866.

SIR: In my instruction to you to proceed to Asuncion, on application in writing from Mr. Washburn, I did not allude to any difficulties you might meet with for want of water, nor from torpedoes, or other obstructions in the river, placed by Paraguayans.

You will not proceed at all, until you know the water is high enough to allow you to go up without inconvenience.

I torpedoes or other difficulties offer, you will then land the minister at Curupaiti

by boats, or at some convenient landing within the Paraguayan lines, to which the allies will have no objections, or you may be obliged to avail yourself of the means which will be placed at your disposal to pass the minister through the allied lines to those of General Lopez.

Respectfully,

S. W. GODON,

Rear-Admiral, Commanding South Atlantic Squadron.

Commander PEIRCE CROSBY, U. S. N.,

Commanding United States Steamer Shamokin.

A 23.

UNITED STATES STEAMER SHAMOKIN,

Lujan River, December 26, 1866.

SIR: In answer to your communication of the 24th instant, requiring me to explain why I gave a copy of any of your orders to me, to Mr. Washburn, United States minister to Paraguay, I have to say that I wrote to Mr. Washburn, informing him of my orders to take him to Asuncion, upon his application to me in writing; and in doing this I quoted the words of the portion of your order which referred to his making an application in writing, in order that there would be no misunderstanding about it; that is, in the form required of him—a written application.

Very respectfully, your obedient servant,

PEIRCE CROSBY,

Commander.

Rear-Admiral S. W. GODON,

Commanding United States South Atlantic Squadron.

A 23½.

UNITED STATES STEAMER SHAMOKIN,

Tres Bocas, November 2, 1866.

SIR: In obedience to my instructions, I have the honor to inform you that I have the Hon. C. A. Washburn, United States minister to Paraguay, and family, on board of this vessel, with orders from Rear-Admiral S. W. Godon, commanding United States South Atlantic Squadron, to proceed with him without delay to Asuncion.

I am, very respectfully, your obedient servant,

PEIRCE CROSBY.

Commander United States Navy.

His Excellency Vice-Admiral VISCOUNT DE TAMANDARÉ,

Commanding Allied Squadron.

A 24.

UNITED STATES STEAMER SHAMOKIN,

Tres Bocas, November 3, 1866.

SIR: I have the honor to acknowledge the receipt of your communication of the 3d instant, in reference to the passage of the Hon. C. A. Washburn, United States minister to Paraguay.

In reply I have to state, that my instructions from my commander-in-chief are imperative, and it is necessary that I should proceed on my journey without delay, and which I will do unless prevented by absolute force.

I have the honor to be your obedient servant,

PEIRCE CROSBY,

Commander United States Navy.

Viscount de TAMANDARÉ,

Vice-Admiral, Commander-in-Chief of the Brazil Squadron, Paraguay.

A 26.

UNITED STATES STEAMER SHAMOKIN,

Tres Bocas, November 3, 1866.

SIR: At the request of the Hon. Charles A. Washburn, United States minister to Paraguay, I ordered one of my officers, Acting Ensign Pendleton, to accompany him to

his destination in Paraguay that he might bring back such dispatches as the Hon. Mr. Washburn may wish to send; and I have to request that you will allow my officer to pass through your lines on his return, which I expect will be on Tuesday.

Allow me, sir, to return my thanks for the great courtesy you have shown me in this very delicate mission.

I am, sir, very respectfully, your obedient servant,

PEIRCE CROSBY,
Commander.

Viscount de TAMANDARÉ,

Vice-Admiral, Commander-in-chief of the Brazil Squadron, Paraguay.

A 28.

[Translation of A 27.]

COMMANDER-IN-CHIEF OF THE NAVAL FORCES OF BRAZIL
IN THE RIVER LA PLATA,
On board Steamer Apa in front of Curuzú, November 7, 1866.

SIR: With great surprise I have read the note which you sent me yesterday, communicating to me that, at the request of Mr. Washburn, United States minister for Paraguay, you had ordered one of your officers, the Acting Ensign Mr. Pendleton, to accompany him for the purpose of returning with dispatches which the said Mr. Washburn should like to forward, asking me to allow this officer to pass through our lines.

When I permitted that the steamer of your command might pass the line of blockade and the forces in operation that I maintain in this river to communicate with territory of Paraguay, I had in view, only, to give credit to the testimony of Rear-Admiral Godon, and of Generals Webb and Asboth, United States ministers in Brazil and in the Argentine Republic, and to honor the character of these gentlemen, who, in dispatches written to Mr. Washburn, assured for certain that the imperial government, with consent of the Argentine, had sent orders permitting that this gentleman and his family might proceed to his destination in a man-of-war of his nation.

You are aware, on account of having been present at the conference which I had with Mr. Washburn on board of the ship under your command, that in the absence of orders direct from my government to permit his passage, I procured to conciliate the departure of Mr. Washburn for his destination, with our rights of belligerent, pointing out to him a manner of effecting, without violation of the blockade, his transport for Paraguay through the lines of the allied armies, or otherwise, in one of the steamers of this squadron, which would convey him to the advanced posts of Curupaiti, in order to transship himself to a Paraguayan steamer, in which he could continue to Asuncion, preceding to this an agreement with the Marshal President of Paraguay; and you are aware, likewise, that only to the irresolution of Mr. Washburn in not acceding to these my propositions, and to the steadiness in availing himself of the permission granted by the Brazilian government, I had to yield, to give the most complete credit to the testimony of the delegates of the United States government.

It was likewise with the same object in view that I procured to facilitate and accelerate his voyage by all measures, even pointing out to Mr. Washburn the idea that he should ask for a pilot from Marshal Lopez, in order to take the Shamokiu from my vanguard upwards through the secret obstacles with which the Paraguayans have pretended to obstruct the river; I offering and lending, on that occasion, a pilot that should take her from the mouth of this river up to the palisade of Curupaiti.

With this my proceedings I believe to have demonstrated how much the imperial government is careful in demanding from their agents that they shall maintain the most exact and obliging relations with the agents of the friendly nations. And if I did protest, in the name of my government, against the going up of the Shamokin, disregarding the friendly means that I proposed, it was foreseeing the consequences of this act.

In these consequences, notwithstanding, I could not foresee that an officer of the Shamokin (should or) might remain in Paraguayan territory without right for so doing, nor permission equal to the one granted to Mr. Washburn and his family, the which constitutes an offense to the right which my nation and their allies have of impeding the passage of any neutral agent to the enemy's territory, and anew (*de novo*) it compels me to protest against those who ordered that act, as I protest solemnly; and in this manner I reply to your above-mentioned note.

But as Mr. Pendleton presented himself at the advanced posts of the army of Viscount de Porto Alegre without the customary formalities in similar cases, and the Paraguayans that accompanied him went back to their camp without delay, and that worthy officer found himself in the impossibility of going backwards without risk, as the Paraguayans might fire on him as they did to the parley (parlamentarian) when the same

Mr. Pendleton and my secretary and aid-de-camp, first Lieutenant Arthur Silveira da Motta, were going, Viscount de Porto Allegre and I determine to consent to the passage of the said officer, allowing ourselves (*reservandonos*) the right of protesting against his stay, though of short duration, in the territory of Paraguay.

I am, with much consideration, your attentive admirer and servant,
VISCONDE DE TAMANDARÉ.

MR. PEIRCE CROSBY,
Commander of the United States Steamer Shamokin.

Testimony of Robert C. Kirk.

WASHINGTON, D. C., April 12, 1869.

ROBERT C. KIRK sworn and examined.

By the CHAIRMAN:

Question. State your residence, and the office held by you at the time of Mr. Washburn's visit to Paraguay.—Answer. I reside in the State of Ohio. I was at the time referred to, minister resident to the Argentine Republic.

Q. Have you read the petition of Masterman and Bliss, which is now the subject of investigation?—A. I have not.

Q. Are you acquainted with the facts connected with this matter?—A. I am acquainted with some of the facts in connection with Admiral Godon sending Mr. Washburn to Paraguay.

Q. Please state to the committee what you know in regard to that matter.—A. Mr. Washburn arrived in the city of Buenos Ayres in the winter of 1865. I think Admiral Godon arrived there in January, 1866. When Mr. Washburn arrived there he told me he had met Admiral Godon at Rio Janeiro, and that the admiral had promised to send him to Paraguay, but when the admiral arrived at the city of Buenos Ayres he refused to send him to Paraguay. The admiral gave several reasons in my presence for refusal to send him. One of the particular reasons he urged was that he had no authority from the department, and that it was necessary for him to use economy in burning coal. He also said that he did not think the interests of the government required that he should send Mr. Washburn to Paraguay. Mr. Washburn repeatedly in my presence urged the admiral to send him to Paraguay. I also said that I thought the admiral should send Mr. Washburn to Paraguay. Mr. Washburn was there a long time urging the admiral to send a vessel to take him to Paraguay, but he refused to do so. I thought the action of Admiral Godon while he was there tended to lessen the influence of ministers abroad. I know that his action lessened my influence there, and I am satisfied it lessened Mr. Washburn's influence. When Admiral Godon first arrived there I formed a favorable impression of him. I liked him very much, but his subsequent acts caused me to change my impression of him, being satisfied that his course was such as to lessen our influence there. I know that before he came there my influence was good, and that I had effected a great deal with the Argentine Republic in favor of the United States. When I left Buenos Ayres Mr. Washburn had not yet reached Paraguay. I believe he was sent there afterwards.

By Mr. ORTH:

Q. When was this?—A. This was, I think, in the early part of 1866. I never expected to give any evidence in the case, and consequently cannot speak with entire accuracy as to dates.

By the CHAIRMAN:

Q. Did the refusal of Admiral Godon to forward Mr. Washburn to his post imply on his part any other right to judge than that which pertained to him as an officer of the navy?—He claimed that he was to judge of his own acts; that he was under no obligation whatever to ministers. He told Mr. Washburn that he was under no obligation to him, and he told me that he was under no obligation to me as a minister, whatever. When I left him he was about to embark on a visit to General Urquiza. I told him that I thought he ought not to visit General Urquiza; that the relations existing between the United States and the Argentine government being friendly, I thought such a visit would be interpreted by that government as unfriendly in its nature, and I thought he ought not to make the visit. He still insisted, however, that he would go to make the visit. Thinking the matter was of some importance, I sent him a friendly note, addressed to him as "Dear admiral," giving my reasons for the opinion I had expressed more at length. When he received that note I learned from friends of mine who were present that he spoke very unkindly of me for sending it. He started on the trip, went as far as Concepcion, and then concluded that he would not visit General Urquiza, and

as I learned, my letter had the effect of causing him to reconsider his determination to do so. When he came back to Buenos Ayres he visited the legation, and asked me why I had written that note to him. I told him that the letter gave its own explanation; that its object was simply to express my opinion that he ought not to visit General Urquiza. He expressed, seemingly with some feeling, the opinion that he was under no obligations to me. I told him I was quite aware that I had no right to control his movements, but that I thought when a minister had resided for several years in a place, that an admiral coming to that place could properly consult the minister in regard to any such movement; that the minister would be more likely to know the condition of affairs and to judge of the effects of a particular line of policy than a man who had just come to the country. That passed off, and I heard no more of it, and had no other disagreement with the admiral that I know of.

Q. Do you mean to say that the reasons given by the admiral were that he was under no obligation to aid the diplomatic agents of the government—that he was only bound to do what suited himself as a naval officer?—A. That is as I understood it. Unless his opinion coincided with the opinion of the minister he was not bound to be governed thereby.

By Mr. ORTH:

Q. Do you mean that he was not, upon questions of political and diplomatic affairs?—A. I should judge so upon all affairs. He told me I had no claim to have any influence upon his action whatever. I thought it was his duty to listen to suggestions made by me in regard to political questions. The Argentine Republic was engaged in a war with Paraguay. I was occupying a neutral position. My government had the good will of the Argentine government, and I thought it important that he should not do anything to disturb those friendly relations.

By the CHAIRMAN:

Q. Did he express any dissent from Mr. Washburn's movements in regard to international affairs?—A. He said this—that he was under no control whatever from Mr. Washburn or from myself; that he was subject to the control of the Secretary of the Navy; that he was responsible to the Secretary of the Navy, and to nobody else. I suppose that was true, and I did not claim to have any control over his actions.

Q. What was the deportment of Mr. Washburn towards Admiral Godon?—A. It was of the kindest character. I was strongly impressed with the fact that he conducted himself under the circumstances in a very gentlemanly and dignified manner.

Q. No dissatisfaction was expressed at any time in that regard?—A. No; not at any time while I was there.

Q. Have you formed any opinion as to the propriety of Admiral Godon's going up to visit General Urquiza?—A. I have; and I have just stated that it was the letter I addressed to him which caused him not to make that visit.

Q. What was the basis of the opinion expressed by you against the propriety of that visit?—A. My opinion was that it would create trouble between the Argentine government and the government of the United States. Urquiza was regarded at that time as hostile to the Argentine government, and I thought a visit to him by the admiral of the United States navy would be construed as an unfriendly act to the Argentine government; that it would cause them to look upon us as sympathizing with Paraguay and against that government.

Q. What was the admiral's reason for paying this visit against your remonstrance?—A. Simply that he thought Urquiza an important man there, and that he ought to pay him a visit.

Q. What position did Urquiza hold at that time?—A. None whatever. He was a private citizen—the ex-president of the republic; a very wealthy and powerful man.

Q. You say you expressed these opinions to him?—A. I did, in the letter I wrote to him; and I also sent a copy of that letter to the department.

Q. Have you stated all the circumstances connected with this remonstrance?—A. Yes, as nearly as I can recollect.

Q. Did Mr. Washburn ever in your presence urge the admiral to send him to Paraguay?—A. Repeatedly. The admiral gave as a reason for not sending him, that he could not burn coal; and afterwards, when an American citizen, Mr. Samuel P. Hale, asked him if he would send Mr. Washburn to Paraguay if American citizens there would furnish the coal, the admiral said that he did not wish to send a vessel, because the men would suffer from the climate.

By Mr. ORTH:

Q. Was that the fact?—A. I do not know. I know several of the men connected with the fleet wanted to go up—were anxious to go.

Q. Was it the unhealthy season of the year?—A. No, it was in winter season. I know that Captain Walker and Captain Wells were both anxious to go up.

Q. What was the general line of conduct of Admiral Godon in regard to ministers representing the United States?—A. It was just as I have stated. He said he was

under no control or obligation whatever to the ministers; that his obligations were simply to the Secretary of the Navy.

Q. What was his conduct and bearing towards these ministers?—A. It was always gentlemanly to me. I supposed that he would listen to any advice or suggestions that I gave him; but unless they corresponded with his own views he would not be governed by them.

By the CHAIRMAN:

Q. When he said he was not under the control of the diplomatic representatives of the government, did you understand that anybody had assumed to control his movements or give him orders?—A. No; it was a voluntary remark of his. I know that it was entirely voluntary on his part when he said that to me in consequence of a friendly letter I had written to him, suggesting reasons why he should not visit Urquiza. I thought it was proper, and my duty as a representative of the government, to give him the information which I did in my letter.

Q. Did you understand him to consider himself in anywise bound to respect the opinions of the United States ministers in regard to the foreign countries to which they were accredited?—A. I do not know that I could answer that question positively. I felt this, that he was always controlled by his own opinions. I think Admiral Godon would consult a minister, but at the same time, if the opinion expressed by the minister did not coincide with his own he would not be governed by it. He claimed to be under the control of nobody except the Secretary of the Navy.

By Mr. ORTH:

Q. Did you understand that the main reason why he declined to send a vessel to take Mr. Washburn to Paraguay was that he had not coal or fuel?—A. That was the first reason he gave.

Q. Was this offer on the part of American citizens to furnish fuel brought to his attention?—A. It was. I told him about it myself. He said he could not go; and he repeatedly refused positively to send Mr. Washburn to Paraguay. As I stated, he subsequently gave the excuse that it would endanger the health of his men. This was after the offer on the part of Mr. Hale to furnish coal.

Q. At which of your interviews with him did he say Mr. Washburn ought not to go there, for political reasons?—A. He frequently said this. He said that he would not take Mr. Washburn; that he saw no reason why Mr. Washburn should be there; that there was no interest suffering because he was not there. That was one of the positions he took. Mr. Washburn told me one day that he was going to vindicate himself, and that the admiral would have to take the consequences. He asked me to state this to the admiral, which I did.

Q. What was his reply?—A. I do not recollect perfectly what he did reply. The substance of it was that he felt perfectly independent.

Q. Did Mr. Washburn request to be taken upon a vessel of the navy—upon a gunboat?—A. Yes, sir.

Q. The admiral declined that?—A. Yes, sir; repeatedly.

Q. What length of time would it have taken a vessel to have made the trip?—A. It takes about six or eight days to go up, and probably a less time to return.

Q. Do you think a vessel could have taken him there and returned within twelve days?—A. Yes; unless it was detained.

Q. In your opinion, would a trip of twelve days for that purpose endanger the health of the men going there?—A. I should say it was no excuse at all.

By the CHAIRMAN:

Q. Did you regard it as necessary, from the condition of public affairs, that Mr. Washburn should go to his post?—A. I hardly know how to express myself in answer to that question except by saying, that Mr. Washburn was minister of the United States accredited to Paraguay, and that it was his duty to go there. If he had gone by any other conveyance than an American man-of-war it would have given him much less power and much less influence than to have been conveyed in one of the naval vessels.

Q. In consequence of this delay how long was Mr. Washburn detained from proceeding on his mission?—A. I do not know. I arrived there in December, 1865, and left in July, 1866. When I left he had not gone. He made the effort once to get to Paraguay in a private vessel.

Q. During all the time he was there did Admiral Godon have command of the squadron?—A. Yes. And there were a number of vessels of the navy lying there.

Q. You say the admiral did not feel bound to receive the opinions of ministers, or to act on them, unless they accorded with his own ideas of duty as an officer of the navy?—A. He repeatedly asserted that he was under no obligation whatever to them; that he was responsible alone to the Secretary of the Navy. I recollect saying to him once, that I had heard that opinion expressed several times, and that I did not care who he was under obligation to.

Q. What other means was there for Mr. Washburn to get to his post?—A. He could

have gone to Corrientes, 16 or 20 miles below the southern border of Paraguay. He could not have gone directly to Paraguay in any other way. The Brazilian authorities claimed the right to prevent any person from going above Corrientes.

Q. The result of the admiral's refusal was, that Mr. Washburn continued to be detained away from his post?—A. Yes; I have no doubt at all that when he first came there, Mr. Washburn could have been landed at Asuncion without any difficulty.

By Mr. ORTH:

Q. And his presence there would have been productive of a good effect?—A. It might I do not know as to that.

Q. You remarked, did you not, that the refusal of Admiral Godon lessened the influence of Mr. Washburn?—A. It did in the city of Buenos Ayres, or lowered the character of all the representatives of our government. I made the application generally to all of us. It looked as if (and, in fact, he remarked) that we were merely the representatives of political friends.

Q. Did Admiral Godon make that statement?—A. He did: that these ministers were the mere representatives of political friends. As I have said, I did not undertake to exercise any control over him, but I thought under the circumstances existing there, it was reasonable to suppose that he would consult the ministers there in regard to political affairs. My relations with Admiral Godon personally were of the most friendly character nearly all of the time I was there.

By Mr. WASHBURN:

Q. State what was the general feeling of Americans there in the river in regard to the conduct of Admiral Godon?—A. The great mass of Americans there felt that the admiral ought to take Mr. Washburn to Paraguay.

By the CHAIRMAN:

Q. Did you hear the expressed opinions upon that subject?—A. I heard a number of them express themselves in that way.

By Mr. WASHBURN:

Q. Was not that feeling almost unanimous among them?—A. I could not say that. I have forgotten it if I heard any other opinion expressed. The fact of the statement of Mr. Hale, that they would furnish coal for the purpose of taking him up, showed their feeling in that regard.

By the CHAIRMAN:

Q. State whether you heard any American citizen speak in justification of the course of the admiral in this regard.—A. I do not recollect that I did. I may state that when Admiral Godon first arrived there I formed a very favorable impression of him, and I never had any personal disagreement with him unless it was in regard to his proposed visit to General Urquiza; and, as I have stated, he started upon that visit but did not complete it.

By Mr. WASHBURN:

Q. Did he burn coal on that occasion?—A. Of course.

By Mr. ORTH:

Q. What was the occasion of that visit?—A. Nothing more than personal courtesy.

Q. What time did it require?—A. I think he was gone four or five weeks; I am not certain.

Q. Did his fleet go with him?—A. No; only the gunboat Wasp.

Additional statement of Charles A. Washburn.

WASHINGTON, D. C., April 13, 1869.

CHARLES A. WASHBURN appeared and made the following additional statement:

I will remark that I left Paraguay on leave of absence to return to the United States on the 16th of January, 1865. I started again in September from New York to go back with my wife, and reached Rio Janeiro, I think, the 27th of September, or at any rate near the 1st of October. I saw Admiral Godon the same day. He was then stationed at Rio. I was on board his flag-ship. I had a great deal of conversation with him at different times in regard to the situation of affairs, and from other sources learned that in all probability I should not be able to get up to Paraguay without the aid of a gunboat, that all communication otherwise had been stopped. Admiral Godon remarked that he had no suitable vessel to send up the river, but that the steamer Wasp was expected very shortly; in the meanwhile he said he was going down to

St. Catharines, which is 400 miles down the coast. Before that I expected if I found any merchant vessels going up that I should go in one of them, although I supposed I should have a gunboat offered me without any special order from the Secretary of the Navy. When I went out in 1861 we had but one gunboat on the station, and it was questionable whether it should leave the mouth of the river at that time; nevertheless, I ascertained when I got to Rio that Commander Macomb was expecting me and was getting ready to convey me up even without any order. At that time I took the trouble to go to the Secretary of the Navy and request instructions for a gunboat to be sent up. But this time, knowing we had a squadron at that station doing nothing, and supposing the commander of the squadron would desire to facilitate my purpose, I did not think it at all necessary to get a letter from the Secretary of the Navy. If I found it necessary in order to reach my post I supposed I had but to call for a gunboat and it would be furnished me. The admiral, as I stated, went to St. Catharines, 400 miles down the coast, as I understood, though I cannot say he told me, for the sake of exercising his men in target firing. I remained at Rio waiting for the *Wasp* to come in order to ascertain about what time she might be expected at the mouth of the river, and when I could calculate upon being able to leave and go up to Paraguay. I waited there accordingly until the admiral had gone down to St. Catharines and returned. In the mean time, while he was absent I think, the *Wasp* arrived, and as he said she must have some improvements or repairs made upon her that would take some time, I took the first steamer after her arrival, according to my recollection, and went down to Buenos Ayres. I took an inferior steamer because I had been delayed there longer than I expected. The admiral told me before I left that he should soon follow, in ten or twelve days at least. I arrived at Buenos Ayres on the 4th of November, and it was about Christmas before I heard of the admiral's arrival at Montevideo. About six weeks after my own arrival I heard that the *Wasp* had arrived previous to the flag-ship reaching that port, and I wrote a letter addressed to the admiral, which I sent to Commander Kirkland and requested him to deliver it to the admiral as soon as he arrived. That letter is published in the diplomatic correspondence of 1866, under date of December 14, 1865.

By Mr. ORTH:

Q. Is that an official letter?—A. I do not know whether it is official or semi-official. It begins, "My Dear Sir:" and is addressed to Admiral S. W. Godon, United States steam frigate *Susquehanna*, and was signed by myself, "Charles A. Washburn," as I sign all my letters official or otherwise.

Q. Was the letter marked *private*?—A. Not at all. The letter referred to in Captain Crosby's testimony yesterday was marked *private*, and was still designated as semi-official by Admiral Godon. This was not marked *private*. I wrote to the admiral two or three letters while at Montevideo, which are not published in the correspondence. The letter to which I have referred is as follows:

"BUENOS AYRES, December 14, 1865.

"MY DEAR SIR: You see by the date of this that I have only got thus far on my way to Paraguay. I reached here on the 4th of November, and have been patiently waiting here ever since for some conveyance to take me to my post of service. But, as I anticipated while at Rio, all communication between this place and Paraguay has been suspended, and only the war vessels of neutral nations have ventured to pass the lines of the belligerents. A French and an Italian gunboat had been sent up from here a short time before my arrival, neither of which has yet returned to this port. The English gunboat *Spider* left at a later date, and is supposed to be lying at Corrientes, the Brazilian admiral objecting to her going above the 'Tres Bocas.' The Brazilians assume that they have the right to forbid any man-of-war of a neutral power going up the river, and have declared that it was only under favor that the above-mentioned gunboats have been allowed to pass. But both the French and English ministers have protested against this assumed right of the allies, though the latter have not yielded the point, but on the contrary have requested the different ministers to recall all vessels bearing their respective flags to some point below the Brazilian squadron.

"Under these circumstances, I do not know what objections may be made if an American war vessel were to go up the river. I infer, however, that no real objection would be made. The Brazilian special envoy here, Señor Octaviano, has assured me repeatedly that he would do everything in his power to facilitate my passage, and has even offered me a steamer to take me all the way to Paraguay. But for reasons you will readily understand, I have declined to accept any such favor. But I think I ought not to delay here any longer than is absolutely necessary, and hope that you may find it convenient to dispatch the *Wasp* or some other light-draught steamer to take me to my destination. Please inform me with as little delay as possible if you can do so, and how soon. I think matters are coming to a crisis at the seat of war, and I am very anxious to be near the scene of action when the day for negotiation arrives.

"I write this letter to you in anticipation of any notice of your arrival in Montevideo,

but as I received a letter from our friend, Major Ellison, saying that you had left Rio on the 5th instant, I think it possible you will be there by the time this note is. I shall be greatly obliged for early information as to what I may expect, as I can make no calculations or arrangements in regard to my own movements till I know how and when I am to go to Paraguay.

* * * * *

"I have the honor to be, very truly, your obedient servant,

"CHARLES A. WASHBURN.

"Admiral S. W. GODON,

"*United States Steam Frigate Susquehanna.*"

I received no satisfactory answer to that letter, and went down to Montevideo to see the admiral.

Q. Did you get any answer at all?

A. I did.

Q. Why was that not published if it went off with the letter which you have just read?

A. That is explained in my letter to Mr. Seward of August 20, 1866, as follows:

"From the admiral I learn by a letter from Mr. Kirk, written at Rio de Janeiro, on his way home, that after getting his instructions to send a vessel from his squadron to Paraguay if so requested by me, he went northward to Bahia, where it is probable my letter will reach him if he has not gone still further north. Mr. Kirk writes me that the admiral told him if I would send an official note he would send a vessel to take me up the river. From this I infer he will try and justify himself for not having done it before by pretending that I have not duly and officially notified him of my desire for his assistance. I will spike that gun for him here and now by sending you a copy of a letter I addressed to him in December last."

Q. Had you written any other letters between the time of sending the letter to Admiral Godon, which you have read, and your letter to Mr. Seward from which you have just read an extract?

A. There were a good many letters which are not published, and this letter I did not intend for publication. I considered it at the time a private letter. I went to see Admiral Godon twice, but he never made any allusion to the fact that he wanted an official letter from me, although he talked the matter over at great length. He stated one reason and another; one was the expense of coal, another the mosquitoes and hot weather, and this, that, and the other.

I have omitted one thing in regard to my conversation at Rio which I had with the admiral. He told me while I was talking with him about the probability that I could not get up to my post without the aid of a gunboat, that in that case when we got down the river if he found it so he would have to send me up. That remark I stated subsequently in a letter I wrote to Mr. Seward. I was somewhat surprised when I arrived at Montevideo, that he was not disposed to do what he had said he would do in Rio. I wish to state another thing which may not be exactly pertinent and still is of some consequence. On reaching Buenos Ayres I found the Argentine government were not disposed to have me go up to Paraguay, as they alleged, for various reasons. The minister of that government told me he thought it would give some moral support to Lopez; that was the principal objection they had. As I had learned before that some papers had been discovered and taken, with which my name was connected, I spoke to him about it. It was in regard to a matter that had occurred about two years before. President Lopez, soon after his accession to power, had a great deal of talk with me about getting some light-draught steamers made in the United States, which I told him we could make better and cheaper than in any other part of the world. He said he wanted to get some specimens of our arms of all descriptions, muskets, pistols, light artillery, &c., and requested me to send to the United States to some person in whom I had confidence and request that these arms might be purchased and sent out. That was in January, I think, 1863. I sent to a friend of mine in New York, and after some months he got together the arms, amounting in value to not more than \$3,000 or \$4,000. He wanted to ship them, but found an order had been issued by the War Department not to allow any arms to leave the country. He tried very hard to get permission, but he could not do it. He wrote to me that he had applied to Mr. Seward, and that Mr. Seward said as I had not written anything to the government about it the arms would not be permitted to leave the country; but that if I should write to the State Department what they were for, there would be no objection. That letter, for some reason, miscarried, and after a long time, as I was writing continuously asking why the arms were not sent, he inclosed to me a duplicate of that letter. After which, I wrote to Mr. Seward about it and he gave permission; in fact, before Mr. Seward got my letter permission had been granted. The Argentine government found something about it which was among the papers taken from the Paraguayan agent at Buenos Ayres, and which led them to suspect that when I left Paraguay I had some agency, or was purchasing arms for Lopez. As that occurrence gave rise to some talk, I think it proper to mention it now, though the whole matter was satisfactorily explained at the time to the Argentine minister, Mr. Rawson, by Mr. Kirk. I will say also, that when I got

to Buenos Ayres I saw the Brazilian special envoy, Señor Octaviano, and told him I was going to Paraguay, taking it for granted I should go in a United States gunboat. He told me that the year before I had been instrumental in getting away the Brazilian minister from Paraguay, and his whole family; that probably all of them would have been killed by Lopez if it had not been for me. He said he would provide me with a gunboat at any time to take me up to Asuncion. I told him no; that it was not well that I should go in a Brazilian vessel; that I knew the character of Lopez, and that he would suspect at once if I came in a Brazilian vessel that I was acting under Brazilian influence; that the commander of our own squadron would be there shortly, and that I would go in an American gunboat, as I supposed I could. I think this conversation with Octaviano must have taken place in November, 1865.

Q. Did you inform Admiral Godon of that conversation, or give the purport of it as a reason why you wanted to go in an American gunboat?—A. I stated it verbally to him; and I believe I wrote to him on the subject unofficially, as no suggestion was ever made by him in any of the many conversations I had with him, that he wanted anything official from me.

Q. Did he ever base his refusal to furnish a vessel to you upon the ground that you had not made an official request?—A. Never at that time. He stated a great many other reasons, but never that. If I had had the least intimation from him I should have given him an official letter at any moment. Señor Octaviano renewed his offer to send me up in a Brazilian gunboat on several occasions; but I told him I could not accept it. Subsequently, however, finding that Admiral Godon would not send a vessel, I addressed a note to the Brazilian minister, Octaviano, telling him that owing to the circumstances in which I was placed, I had determined to accept his offer; but in the meantime he had seen Admiral Godon, and instead of furnishing me a vessel as he had promised to do, he took no notice of my request. The following is the letter I addressed to him on that occasion:

“BUENOS AYRES, *January 18, 1866.*

“SIR: Your excellency is doubtless fully aware of the events which transpired in Paraguay at the time of the commencement of the war now existing between that country and Brazil, and you are probably equally well aware that at the time of the seizure of the Brazilian steam packet Marquis de Olinda by the Paraguay government, the minister of his Majesty the Emperor of Brazil, the Hon. Cesar Sauvan Vianna de Lima, was left in the country with no means of egress for himself, family, or suite. The ports of Paraguay were closed against the departure of any merchant vessel, and no way was left for Senhor Vianna de Lima to get away except by an overland journey so long and difficult as to be utterly impracticable. Under these circumstances, his Majesty's minister, having already received his passports, so that he could hold no further official communication with the Paraguay government, appealed to me, as the senior member of the diplomatic body at Asuncion, to obtain for him and his party some means of leaving the country, and such as would be consistent with the dignity and comfort of a public minister.

“About this time I received from the Secretary of State for my government leave of absence to visit my own country, to which I was anxious and impatient to return. But I immediately responded to his call, and after a long correspondence, and a good deal of vexatious delay, I got the promise of a steamer to take the minister and suite to Buenos Ayres, but on the condition that he should pledge, as its agent and representative, both to the government of Paraguay and that of the United States, that the steamer should return unharmed without unnecessary detention. This pledge was at once given by the minister, and, on behalf of my government, was accepted by me, and the steamer finally left and arrived safely at Buenos Ayres. Having accepted this assurance of the steamer's safe return, it seemed to necessitate my remaining there in Paraguay till she got back, as my going away might have caused suspicion or distrust; so that what with the time consumed in the correspondence, the getting ready of the steamer, and the time taken for the voyage, I was delayed some six or eight weeks in setting out on my visit to the United States. Hence, I was the same length of time later in my return to the Rio de la Plata than I would have been but for the delay to render this service.

“This last delay has, owing to peculiar circumstances, seriously interfered with my return to my post as minister of the United States in Paraguay. No steamer of any nation has ascended the river to Paraguay since my arrival in Buenos Ayres on the 4th of November last. Since that time I have been waiting here for one of our national gunboats to come to this river, supposing it would take me to my post. But I learn that the admiral of the Brazilian squadron now in the Plate objects to the passage of any person or vessel above the Tres Bocas, and the admiral of the United States squadron thinks with myself that it is particularly desirable to avoid any complications in the present war, and especially with the government of Brazil, which, during our late gigantic civil war, has shown itself our steady, reliable, and earnest friend. Hence, as no vessel of my own nation will go to Paraguay at present, I must avail myself of such means of getting there as may be open to me. It is under these circumstances

that I beg to call the attention of your excellency to the fact that, had I not delayed to assist Senhor Vienna de Lima to leave Paraguay, I should have been back here at least a month and a half earlier than I was, and in ample time to have gone to Paraguay on one of the neutral gunboats that left for that country a few days before my arrival here. Hence it is, that from my waiting to render an important and vital service to the Brazilian minister, I am suffering all this inconvenience and detention. It is true that this result is not immediate, but it is no less direct, and I am persuaded that I have only to call your excellency's attention to the facts of the case to secure such action as will relieve me from my present unpleasant position.

"I avail myself of this occasion to express to your excellency my high regard and distinguished consideration.

"CHARLES A. WASHBURN.

"His Excellency F. OCTAVIANO DE ALMEIDA ROSA,
*"Envoy Extraordinary and Minister Plenipotentiary
 "of his Majesty the Emperor of Brazil, &c."*

I will say that, although I wrote this letter after I found Admiral Godon would not send me to my post, and although, as I have stated, Senor Octaviano had repeatedly offered to furnish me a vessel to take me up, yet he had not the courtesy to answer my letter. I cannot say positively that Admiral Godon had seen Octaviano; he had come to Buenos Ayres, and I did not see him with Minister Octaviano, yet I took it for granted that he had seen him, and I think he told me so. In this letter I did not wish to state to the minister of another government that there was any difference between the admiral of the United States navy and myself. We did agree that I should avoid complications, but I never believed it would involve any complication by sending an American gunboat to take me to my destination, and it never did. This letter was sent home with my letter of June 8, 1866, to Mr. Seward. I did not send a copy of that letter immediately for the reason I got no answer to it, and I apprehended that possibly it might not have been received; but Mr. Kirk wrote me that he learned it had been. I will now read what I wrote to Mr. Seward in regard to it:

"With this I send you a copy of a letter which I addressed to the Brazilian special minister, Señor Octaviano, before I left Buenos Ayres. I should have sent a copy of it soon after it was written; but receiving no reply to it, I concluded that from some error it had not been received. But not caring to make any direct inquiry, and not learning anything of it incidentally, I mentioned the matter to our minister, Mr. Kirk, requesting him to advise me should he learn whether it had ever been received or not. By the last mail, which arrived two days since, Mr. Kirk writes me that Señor Octaviano told Admiral Godon that he received my letter, but did not choose to answer it. As I wrote you when I was in Buenos Ayres, Señor Octaviano offered me, without any solicitation, a man-of-war to take me to Paraguay. This offer was several times repeated, and in the presence of Mr. Kirk I replied that on the arrival of our squadron doubtless one of our gunboats would go up the river, so that it would not be necessary to avail myself of his kind offer. He repeated that if I should want it, a vessel would be at my disposition at any time.

"After the arrival of our admiral, however, and he found that he would not send up an American war steamer, it seems that Señor Octaviano changed his mind, for on my writing him a note intimating that I would accept a passage in a Brazilian vessel, he did not condescend to answer it. Such is the brief history of this matter."

The admiral came to Buenos Ayres after I had been to see him twice in Montevideo to urge upon him the necessity that he should send a gunboat, and I had written to him twice on the subject, one of which letters I have already read to the committee. Finally he came to Buenos Ayres, and then told me positively he would not send me. At Montevideo he would never say yes or no. He said "perhaps" he would, that he would see; if I would wait until the 1st of April very likely he would send a gunboat about that time, and perhaps he would consent to go himself as high as Corrientes. Finding that I could not have a gunboat, I thought, as I had been there two months and a half nearly, waiting for the admiral to fulfill what he had given me to understand he would do, I thought I must make an effort to get to my post. I did not believe I could succeed, but I thought I would make the effort. I therefore left my family in Buenos Ayres and started on a merchant vessel and went to Corrientes. I found that the allied armies were stationed a little out of town, and that the army of President Mitre, who is the commander of the allied forces, was about thirty miles from Corrientes. I am not sure about the exact distance. I went to see President Mitre, and told him I wished to go to Paraguay. He treated me with great courtesy. I stayed over night with him. He said it was a question of policy with his government whether I should go through, and that it was beyond his power to decide, that he must refer it to his allies, but in his opinion I had a perfect right to go through, although he stated to me that Admiral Godon had advised some high authority, I think Admiral Tamandaré, in command of the Brazilian forces, that they had a perfect right to stop me. It was his opinion, however, nevertheless, that I had a perfect right

to go, but he must first confer with his allies. I asked him how long it would take him to get their assent. He said he must write to Buenos Ayres, but he was satisfied there was no difficulty in getting through. I replied that in that case, having been to Corrientes and seen the condition of affairs, I would myself return and bring my family there.

I therefore returned to Buenos Ayres, and as Mr. Kirk was absent, I went directly to the minister of foreign affairs and told him what President Mitre had said. He told me the President had written him to the same purport, and that he was of the same opinion; that he had referred the matter to the allied ministers and they were going to allow me to pass through. He gave me a letter to President Mitre requesting him to furnish all proper facilities for me to get through. With that letter I started back, taking my wife and servant with me. The steamer getting aground I was longer in reaching there than I expected to be, and when I went to President Mitre with that letter from his minister of foreign affairs, asking him to send me through, he would not respect it. He said, however, that he would go and consult with Admiral Tamandaré. He repeated that Admiral Godon had told him they had a right to stop me, but that he would consult Admiral Tamandaré, and Marshal Osorio, and others high in authority, and see if they would sanction it, and would let me know the same night. He went on board the flag-ship to see Admiral Tamandaré, and sent me a note soon after that he would write me at Corrientes. He wrote me at Corrientes afterwards that they did not grant me the permission until he again consulted his government. When I went to see him the second time I went on board an English transport. President Mitre told me that he was unwell himself, and that if I would go and see Admiral Tamandaré on board his flag-ship, he could arrange the matter as well as himself; and he sent his minister of war on the boat with me with this message. I found, however, that Admiral Tamandaré had conversed with Admiral Godon, as I have stated, who, as he said, told him he had a perfect right to stop me from going above his squadron, and Admiral Tamandaré said he should do it. I told him that Admiral Godon had no business to interfere in the matter. Admiral Tamandaré replied that nevertheless he must stop me. He knew I was unpleasantly situated, that my expenses were heavy, that if I wanted any money I could have it; that I could also have a steamer to go back to Buenos Ayres whenever I desired. (I wrote all this in my letter of April 27, 1866, to Mr. Seward.) I replied that I did not want his money, and did not want his steamer, but that I did want to get to Paraguay, and that I should get there. We parted in no very pleasant humor either of us. After my first interview with President Mitre, when he told me I must wait until he had sent to Buenos Ayres, I wrote an account of the interview I had with him to Mr. Seward. And after the interview I had had with Admiral Tamandaré, in which he said I could not go there, but that I could have money and steamers, or anything else, so that I did not go through, I also wrote an account of this interview to Mr. Seward. It was after my interview with Admiral Tamandaré that I went to see President Mitre again, and delivered the letter of his minister. He seemed to be very much embarrassed because he could not carry out what his government had promised. He said he would communicate with Admiral Tamandaré, with Octaviano, and with other high officials, and see if he could not arrange it, and would advise me the same afternoon. An hour or two afterwards he sent me a little note that they had come to no conclusion, as I have stated, and that he would write me at Corrientes. I went to Corrientes, and subsequently, after other visits and several letters passed between us, addressed a protest to President Mitre, which I will read as a part of my testimony, for the purpose of showing more clearly how I was delayed and humbugged by the allies. It is dated at Corrientes, July 21, 1866, and is as follows:

“CORRIENTES, July 21, 1866.

“SIR: On the 26th of last month I had the honor of receiving, by hand of your secretary, Lieutenant Colonel Don José M. la Fuente, your esteemed favor of the 22d ultimo. In that letter your excellency informed me that circumstances entirely foreign to your desire to give an answer to my oft-repeated question whether or not I should be allowed to pass through the lines of the allied forces to Paraguay, had prevented your giving me a definite answer; but that, being desirous of showing due consideration to the matter, you had dispatched your secretary to make verbal explanations of these circumstances.

“The explanations made by Colonel la Fuente were these: That the Brazilian special minister, Señor Octaviano, was expected to arrive very soon at the seat of war, and it was the desire of your excellency to confer with him before granting me a final answer. The secretary further assured me that within two or three days after the arrival of Señor Octaviano at the headquarters of the army, I should have the final reply of your excellency. Within two hours after this interview with your secretary, a steamer arrived in this port having on board the Brazilian minister. A day or two after he left for the army, and though since then nearly four weeks have elapsed, I have received no such reply as I was promised in two or three days on your behalf, by your secretary.

"It is now nearly six months since I first called on your excellency, and made known my desire to pass over to the country to which I was accredited by my government. The opinion you then expressed to me was that I was entitled to pass through without interruption to my destination, but that you preferred to get the opinion of your government on the question before taking any action upon it. I accordingly waited until such opinion was obtained, and then, as it corresponded with that previously expressed by your excellency, I did not suppose I would have any more trouble or difficulty in reaching the capital of Paraguay. But month after month has passed since I had the honor of delivering personally into your hands the letter of Señor Elizalde, in which he, as minister for foreign relations, requested your excellency to furnish me such facilities of passing through to Paraguay as he had promised me. Your reply then was that circumstances had so far changed since my former interview that it would be again necessary to consult your government. Since then I have repeatedly, personally and by letter, requested your final answer, and each time I have been told that within a very few days I should have it, so that there has not been a day for the past four months when I might not reasonably have expected such a decision from your excellency as would have left me at liberty to go to Paraguay, or, if the decision was unfavorable, would have justified me in returning to Buenos Ayres or Montevideo to await the instructions of my government. But this decision I have not yet received, and have, as it were, been compelled to remain with my family in this town of Corrientes, which all the while has been a city of hospitals, full of sick and wounded, and every way unhealthy, disagreeable, and very expensive.

"To what extent and under what circumstances a nation at war with another may rightfully, and without giving just cause of offense, detain the accredited minister of a third and friendly power, and prevent him from recalling the government to which he is accredited, I do not propose to discuss. That a nation at war has a right to guard its lines and prevent any one from passing over into the enemy's territory at a time when active operations might thereby be embarrassed, I do not and never have questioned. But as, since my first visit to your headquarters, there have several times been weeks at a time when there were no active operations going on, I am unable to see how that my passing through to Paraguay could in any way cause embarrassment or affect the result of the war.

"It is unnecessary, as it would be improper, for me to remind your excellency of the system of international law that has in the course of many generations grown into established usage, and under which the diplomatic agents of all friendly countries are entitled to certain privileges and immunities alike in the countries through which they may pass as in those to which they may be accredited. Nevertheless, I may allude to the fact that this system or code recognizes the absolute independence of all diplomatic agents of any local authority. This immunity results from the necessity that in time of war there should be some persons who may be independent of the belligerent powers to pass between them, and who may be at liberty to reside in the country where they are accredited, subject only to the laws of their own government, and free from molestation or hindrance in passing through other friendly countries to or from their own legation. By reason of these immunities and privileges, the ministers of foreign countries have often been instrumental in averting war, and sometimes initiating terms of peace, or mitigating the evils of war. This exemption from local laws is so important a privilege that it underlies the whole system of the diplomatic service of the world, as it is, to a great extent, by reason of the immunities and exemptions enjoyed by the ministers of foreign and neutral nations, that they are enabled to exert their good offices at a time when the subjects of the belligerent nations are exposed to liabilities and suspicions that may render their interference dangerous to themselves and embarrassing to their governments. But if such diplomatic agents may be detained at the pleasure or caprice of one of the belligerent parties, there is an end to the whole system, for what minister of a neutral power will venture himself in the territory of a nation that may prevent his return to his post of official duties? Such an act would not be so much against the enemy as against the friendly power whose agent it restrained. No nation has a right to say to another that because it is at war with a third, therefore this other shall not have a diplomatic agent to reside near the government of its enemy. The government of the United States have a right to send a minister to any recognized nation in the world, and it would not comport with its dignity to ask permission to do so of a third power with which such nation happened to be at war. It has as much right to have a minister at Asuncion as it has at Buenos Ayres or Rio de Janeiro, and when it is prevented from the exercise of that right, as it has been during all the time of my detention here, it will not be thought unreasonable should it regard the action of your excellency with serious concern as a violation of the undisputed rights of one of its agents. Supposing at the time this war commenced, or at a later period, our minister at Buenos Ayres, Mr. Kirk, or our minister at Rio de Janeiro, General Webb, had found himself within the military lines of the Paraguay army, and had been detained there as long as I have been delayed here, what would have been expected of the United States government in that case? Would it not have regarded such an act on the part

of Paraguay as a great indignity, and would it not have been justified in resorting to extreme measures in vindication of its violated rights? And in what does my case differ from that of the one supposed? Will not my government be justified in taking the same means of vindicating the rights of its humble minister to Paraguay as it would be were our minister to Buenos Ayres now detained within the lines of the Paraguay army? It has been the object and intention of the United States in this war to observe the strictest neutrality. If it has not done so, it is because your excellency has denied it the privilege of having a diplomatic representative in Paraguay the same as it has in Buenos Ayres and Rio de Janeiro. Of this partiality, however, it is only for Paraguay to complain.

"It is with extreme regret that I find myself compelled to speak, after so long a delay, of my detention in this place, and to enter, as I now do, most earnestly, my protest against it. I protest against the detention as a violation of the laws of nations and of all diplomatic usages and courtesies. I protest against the detention as unnecessary and unlawful in itself, and I protest against the manner in which it has been effected. If it was your purpose to thwart the wishes of my government, and prevent me from doing that which it had ordered me to do, I certainly had a right to know it long before this. I protest against the repeated intimations and assurances I have from time to time received that within a few days a final answer should be given me, when now nearly six months have passed and such answer has not yet been received. I submit that the United States have ever shown such friendly sentiments towards the government and institutions of the Argentine Republic as to entitle its accredited agents to the customary privileges and courtesies accorded to diplomatic persons. Such privileges I consider have not been granted me, and, therefore, I take this occasion to make my formal protest, and at the same time to express to your excellency the assurances of my most distinguished consideration.

"CHARLES A. WASHBURN,
"United States Minister to Paraguay."

"His Excellency General BARTOLOMÉ MITRE,
"President of the Argentine Republic, and Commander-in-Chief of the Allied Army."

To that letter I received an answer, in which President Mitre undertook to justify himself for his course towards me, which answer I will also read.

[Translation.]

"HEADQUARTERS, TUYUTY, July 24, 1866.

"SIR: I have had the honor to receive the note of your excellency, dated the 21st instant, in which, making reference to the diverse circumstances that have intervened since you presented yourself, soliciting a passage to the Paraguay territory in order to continue there your diplomatic duties with which you were charged by your government, you terminate your note by protesting against the delay of a definite answer on that matter, in the supposition that it may have been the mind of the Argentine government or of the allied governments to hinder the United States from having a diplomatic representation in Paraguay.

"Without entering on my part into a disension of the point of international right that your excellency touches upon, I limit myself to consider the acts of which you make mention, referring to whom it pertains such discussion, as likewise the consideration and answer to your protest if it should take place.

"When your excellency presented yourself for the first time at my headquarters soliciting, in terms most frank and friendly, your passage to the Paraguay territory, the operations of war against the republic of Paraguay had not yet commenced, and all the allied forces, land and naval, were yet in Argentine territory. I then manifested to your excellency that I believed that it would not be inconvenient that you should continue your voyage to Paraguay, but that this being a matter that pertained to the decision of the government, in which it ought to co-operate with its allies, and not being myself in the exercise of the executive power, I would refer it to my government in order that, with the consent of said allies, it should dictate to me the line of policy that I ought to pursue. Your excellency having assented to this, returned to Buenos Ayres and obtained from the Argentine government, with the approbation of their allies, the passage which you solicited. But in these circumstances, the admiral of the allied squadron being in Montevideo, mentioned to the United States admiral whom he met there, that there would be no obstacle in the way of the minister continuing his voyage to Paraguay all the while that things should be in the state in which they then were, that is to say, the allied forces being in Argentine territory, as when your excellency honored me with your visit at headquarters; but that such a thing could not take place after the allies should establish their line of war, since it was a right recognized by all nations, that the military lines of belligerents could not be crossed by neutrals, whatever might be their character, except by an express concession, and in so far as it would not damage their arrangements or prejudice their operations. This

principle was recognized, without any restriction, by the admiral of the United States, declaring that we are in our perfect right in not allowing any neutral to cross our lines of war once established.

"From unforeseen accidents, and in circumstances that are made clear by our confidential correspondence, your excellency arrived at Corrientes after much delay, at a time when the invasion of Paraguay was already effected, and when our lines of war controlled their coasts. Thus far the circumstances had varied, as your excellency may yourself remember. Notwithstanding this, being desirous of giving to your excellency a proof of esteem towards your person and of the consideration of the allied governments towards that of the great republic of the United States, I referred it again to the decision of the allied governments, a proceeding to which your excellency willingly gave your assent.

"I then thought, as I manifested to your excellency, to be able to give very soon a definite answer to the question; but the minister plenipotentiary of Brazil not finding himself authorized to decide the case, the definitive resolution of the allied governments being yet pending—having to make their communications through such long distances, and in the midst of the pressing engagements of a war to which they have been provoked without reason and without justice—it has not been possible for me to give such answer to your excellency in my quality of general-in-chief of the allied armies, in which I have only been a simple intermediary, without assuming in any case the character of a diplomatic personality to treat or discuss with your excellency, for which reason I have limited myself always to communications confidential and friendly; this also being the reason for which I sent my military secretary to your excellency to give some explanations in my character.

"Not having, then, to the present time obtained any definite answer from the allied government, from the circumstance that it has not been possible for them to act in concert, it is not possible for me to accept the conclusions that your excellency deduces in the note to which this is an answer, neither the diplomatic personality in which you invest me, nor to take into account the protest that you make in consequence.

"Notwithstanding, I cannot let pass in silence that, in compliance with the instructions of the allied governments to permit no one to cross over lines of war, they have had in view only the exercise of a perfect right, a right explicitly recognized by the admiral of the United States, before that your excellency commenced your voyage on distinct conditions, and that, this being in harmony with the practice of all civilized nations, and as the exercise of their own right, it cannot give offense to a third; and it is correctly deduced from this that the allied governments, in making use of their own right in establishing a general rule for all, have not had in view to offend any other, and much less that of the United States, respecting which they cherish sentiments of confraternity and sympathy.

"With only this, I hope that your excellency will yourself acknowledge the violence of your deduction, when, starting from the fact of a definite answer not having been given to this late time, you suppose that the intention of the allied governments may be to prevent that of the United States from having a diplomatic representative in Paraguay, which cannot be deduced, not even from the refusal itself, since it would import only the use of a proper right, foreseen and acknowledged beforehand; so much the more as your excellency having obtained, in time fit and opportune, the definite answer that you solicited and the passport to continue your journey to Paraguay, and having arrived at Corrientes at a time when the circumstances under which condition the passport was given had entirely changed, the act itself fails to serve as a base for such deduction.

"Therefore I refer everything to my government, in order that, together with the allied governments, it may decide this matter and may give to your excellency in the form, and by such action as may pertain to it, the definite answer, taking into consideration your protest, if there should be occasion for it, leaving this correspondence for my part thus terminated, since finding myself engaged in an active war and of daily combats, and without the exercise of other than military functions, it is not possible, neither is it permitted me, to enter into diplomatic disputes.

"Having thus answered the note of your excellency, I cannot avoid showing that if the sentiments of the government of the United States have been friendly towards the government and the institutions of the Argentine Republic, greater and more spontaneous have been those that the Argentine people and government have manifested towards the government and institutions of the United States in times of real trial, the same to the diplomatic agents, including your excellency.

"With this motive, I have the honor to salute your excellency with my most distinguished consideration.

"BARTOLOMÉ MITRE.

"His Excellency CHARLES A. WASHBURN,

"Minister of the United States in Paraguay."

To my letter addressed to Admiral Godon, August 8, I received an answer dated September 16, in which the admiral still declines, as follows:

"BUENOS AYRES, August 8, 1866.

"SIR: Since my last interview with you in the city, in January last, I have made repeated attempts to reach my post of official duties in Paraguay. I have been unable to do so from the fact that the allied powers now at war with that republic have refused to grant me permission to pass through their military lines.

"I have therefore been waiting here and at Corrientes, nearly all the time at the latter place, till I could inform my government that you had declined to furnish me with a war vessel to take me to my destination, and that the allies had refused me a passage through their lines.

"By the last mail from the United States, being then at Corrientes, I received a dispatch from the Secretary of State, in which he informs me that the President is very much surprised at the course of the allied commanders in detaining me, as it is a proceeding both discourteous and illegal. He also sent me a copy of a letter which the Hon. Gideon Welles, Secretary of the Navy, had addressed to you, in which you are instructed to furnish me with a war vessel and such convoy as might be necessary to take me to Paraguay. Copies of these two letters are inclosed herewith.

"I had already anticipated the instructions of the Secretary of State, and had requested of the commander-in-chief of the allied armies a passage through their military lines for myself and family. But it has been persistently refused, and I therefore request you to provide me with a war vessel and the necessary convoy, in accordance with the instructions of the government.

"I arrived at this place yesterday from Corrientes, and shall await here, or at Montevideo, the arrival of so much of the squadron as you may detail for the voyage to Paraguay.

"I am, sir, very respectfully, your obedient servant,

"CHARLES A. WASHBURN.

"Acting Rear-Admiral S. W. GODON,

"Commanding United States Brazil Squadron, Rio de Janeiro, Brazil."

"SOUTH ATLANTIC SQUADRON, FLAGSHIP BROOKLYN,

"Rio de Janeiro, September 16, 1866.

"SIR: I have to acknowledge the receipt of your two letters, dated respectively the 8th and 28th of August—the first in duplicate, inclosing copies of a dispatch from the Secretary of State to yourself, and also a copy of a letter from the Secretary of the Navy to me, containing instructions under which, in a certain contingency, I was to send you in a vessel of the squadron to Asuncion.

"In anticipation of the contingency therein alluded to, I had given orders in the month of July to Commander Crosby, of the Shamokin, to hold himself in readiness for immediate service up the river Paraguay.

"The letter from the Secretary of the Navy leaves me in no doubt how to act in regard to his orders. It informs me that you have been instructed to ask the commander of the allied forces and the President of the Argentine Republic, in a respectful manner, to give you a safe-conduct through the military lines, which it is believed will be accorded to you; but in the event of its not being done, you have been further instructed, without unreasonable delay, to apply to me for a passage in a war vessel with sufficient naval escort to your destination.

"Clear as these instructions are, they are made even more distinct by the dispatch of the Secretary of State to yourself, a copy of which you have been kind enough, under directions from the department, to furnish me. That dispatch, after alluding to the 'inconvenient' and 'not altogether courteous' delay caused you in returning to Asuncion, but without desiring to regard it as an 'unfriendly proceeding,' directs that, should the hindrance still continue, you are to address yourself at once to the commander-in-chief of the allied forces, and to the President of the Argentine Republic, informing them that you are proceeding as resident minister for the United States at Asuncion; that you are charged with no duties inconsistent with the neutrality which the United States has maintained in the war in which the allies are engaged with Paraguay, and to ask them, in the name of the United States government, to give you, together with your family and domestics, safe-conduct through the military lines.

"After having addressed this letter as directed, the dispatch adds, 'should the hindrance not cease within a reasonable time,' you will then deliver a copy of these instructions, together with a copy of the accompanying letter of instructions from the Secretary of the Navy to me, and will proceed in such vessel as I shall furnish to the place of your destination.

"You will perceive, sir, from the preceding synopsis of your and my instructions, that the contingency alluded to has not arrived; and that I would not be carrying out the spirit of the orders of my superior, or the evident intention of those from your chief, by immediately sending you to your destination in a vessel of war, as you request.

"The Secretary of State evidently desired to show the Argentine government that the obstructions interposed by the commander-in-chief of the allies to your passage through the military lines to your legitimate duties was regarded as an act 'not courteous,' and one which was causing an agent of the United States inconvenience; that, as there was no good reason for such a course, they were requested not only to discontinue it, but to aid you with a safe-conduct through the military lines.

"Therefore, until you receive from the authorities named a refusal to comply with that request within a reasonable time, my orders will not justify me in construing the hindrance to your movements as a proceeding sufficiently 'unfriendly' to require me to send you with an armed escort through the blockading squadron.

"From the character of the dispatch of the Secretary of State, it is clear to my mind that no violent measures are either desired or anticipated, and the Secretary of the Navy distinctly informs me, as you will notice in his letter, that from the general tenor of your last communication, it was probable that the allies would desist from any further opposition to your progress.

"It is therefore with regret I find that your letter, which I have been expecting, does not state that you have addressed the commander-in-chief of the allied forces, or the President of the Argentine Republic, for the purpose of obtaining the desired safe-conduct, or that you have allowed a 'reasonable time for the hindrance to cease' before making the application for a vessel and suitable naval escort to take you to your destination.

"I have not been unmindful of the inconvenience and seeming discourtesy of the allies in keeping a minister of the United States from passing through the military lines to his post, and have communicated with our acting chargé d'affaires to this government in regard to it, from whom I learned that the obstructions would be removed. I feel satisfied that the same information will be given to you when you address the President of the Argentine government, as directed by the Secretary of State.

"The truly friendly relations that exist between the allies now at war against Paraguay and our own government, disposed me still more to refrain from committing any act which would seem like arrogance in a great and powerful nation like the United States, towards governments too weak to resist it, although they might in their very weakness venture to commit indiscretions, as in the present instance.

"Should a refusal of safe-conduct follow your letter to the Argentine government and commander-in-chief of the allies, I will then consider under my instructions that they have committed an unfriendly act, and that the occasion has arrived for the dignity of the United States to be sustained by furnishing you with a vessel and suitable naval escort to carry you through the blockading squadron to your station.

"Even should a safe-guard be offered you for your passage through the lines, as is fully anticipated, I will, under all the circumstances of delay, still find it advisable, if you desire it, to furnish you with a vessel to carry you in a friendly manner, but with national dignity, to the government to which you are accredited. I shall await and hope to receive an early communication from you.

"I am, sir, very respectfully, your obedient servant,

"S. W. GODON,

"Acting Rear-Admiral, Comd'g South Atlantic Squadron."

"HON. C. A. WASHBURN,

"Minister Resident for the United States at Asuncion."

That letter you will notice is dated September 16. I had been ten months already trying to get through. I had been long at Corrientes without being able to get permission to go through. President Mitre had refused to have anything more to do with the matter, and Minister Octaviano would not answer my letter.

Q. State whether Admiral Godon, prior to writing this letter, had been informed of all the correspondence between yourself and President Mitre?

A. I do not know that he had. I wrote to Mr. Kirk about it, and Mr. Kirk replied that he had told Admiral Godon, and that the admiral had said he would not under any circumstances send me up the river; and I stated that in my correspondence with Mr. Seward, although Mr. Kirk now says that he does not remember all the circumstances. It was for that reason I did not consider it was of any use to write anything further to Admiral Godon. I had also other reasons, having heard of his remarks, which were far from complimentary to me. After I received this letter from the admiral, I thought I could not again, with propriety, write to President Mitre; that I could not well repeat the letter I had written a day or two before; and if I did, I feared it would compromise the government more a thousand times than to ask for a gunboat. I knew perfectly well that if a gunboat went up they would not fire into it, and that there would be no sort of difficulty, but that if I wrote a letter I should probably have at least sought to have used strong terms, and if I still received a refusal it would complicate the case and make it very much worse. I supposed the admiral would respond to my application to furnish a gunboat, and that that would be an end of the matter. I therefore returned to Buenos Ayres, and was very much astonished when I received

the admiral's letter basing his refusal on the ground that I had not obeyed the instructions of my chief. I wrote to him virtually telling him that if he would attend to his business I would to mine. When I came down I was not aware that orders had been sent by the admiral for the gunboat to take me up, and I was invited by the minister to confer with him personally, which I did, stating the situation fully. There was nothing official in my correspondence, because I was not officially accredited. Mr. Kirk had left to go home, General Webb was away, and I was left there alone, with everybody holding official position against me. After I received this letter from Admiral Godon I did not know absolutely what to do. The allies would not allow me to go through. Mitre had refused further correspondence. Octaviano had declined to answer my letter. I had told Admiral Godon a long time before, when I met him in December, that if I could get out of the difficulty and return without disgracing the country and disgracing myself, I should be very glad to do so, but as I considered that the allies had no right to stop me, and I had no right to allow them to stop me, I felt that I must go on. I was hoping that the new minister, General Asboth, the successor of Governor Kirk, would arrive. Governor Kirk had gone home, and General Webb had also gone home. The admiral was not disposed to aid me in getting to my post, and I was in such a situation as I never hope to be again. I wrote to the admiral a long letter, which is here, explaining to him my circumstances, and giving the reasons why I had not made another application to President Mitre. I will read an extract from it:

"In my letter to you of August 8, I informed you that the contingency contemplated by the instructions both to you and to me had arrived, as I had done the very thing but a few days before my instructions reached me which I was ordered to do by the Secretary of State; and there was no reason why I should do the same over again. In fact, I could not do it, for the reason that President Mitre, in reply to my last letter to him, said that for his part the correspondence must close. Had you known all the facts of the case, I would fain believe you would not have hesitated a single moment in sending the orders for one of the war steamers now lying in this river to proceed at once to Paraguay; and that you may now be fully informed of the repeated indignities to which I have been subjected during my long detention within the military lines of the allies, I now write you more at length, though not with a view to influence your action. I considered that I was the proper judge and interpreter of my own instructions, as you were of yours, and that when I sent you my last letter my duties had been fulfilled, and if you had conformed to your instructions, and not constituted yourself the interpreter of mine, there would have been no occasion for question or argument."

In that letter I stated what I have stated here, specifically, in regard to the difficulties of my situation. I got a reply which I think I can quote from memory literally; it was about as follows:

"Sir: Your letter of October 1 has been received.

"Yours, respectfully,

"S. W. GODON."

I sent a copy of my letter to Mr. Seward with my letter to Admiral Godon. I had heard in the meanwhile that after Admiral Godon had got this letter instructing him under certain contingencies to send me on a gunboat, with a convoy if necessary, to Paraguay, and I had supposed when I got it that I would find him at the mouth of the river prepared to receive me. But I was surprised to learn that instead of going this way he went off north to Bahia, and when he would get this letter of mine of the 8th of August, I did not know. But it went to Rio, and I suppose he was further north. He had gone north for what business I do not know, unless it was to find a pretext for longer delay.

In the meanwhile I did not know what I was to do. The admiral had declined to send me up until I had done certain things which I thought I ought not to do. But he did send orders, after I had been delayed nearly a year, that a gunboat should go up.

Q. What was the date of those orders?—A. October 5, 1866. He sent the gunboat to take me up on the ground that General Webb had advised him that all obstructions had been withdrawn. I did receive a letter from General Webb, stating that he was informed that the obstructions had been withdrawn. I attached no importance whatever to that promise made to General Webb, as I had been humbugged and delayed and deceived so often by the allies.

Q. What information had General Webb that led him to write this letter, stating that all obstructions had been withdrawn?—A. It was known there was great scandal about my detention, and a great deal was said in the newspapers that was very disagreeable to me. Mr. Webb may have had a private letter from me in regard to it. He at once saw the impropriety of my detention, and insisted that the obstructions must be withdrawn. They (the Brazilians) told him they would be withdrawn, and on the strength of that he wrote me this letter. I wrote to the admiral that nothing had been done by the Brazilians to remove the obstructions. Admiral Godon did not answer my letter, but passed it over to General Webb, who answered it.

By Admiral GODON:

Q. Do you know that I asked General Webb to answer that letter?—A. I do not.

Q. Do you know that I told him he ought not to write that letter?—A. He never told me anything of the kind. I know nothing more than the letter itself expresses. Even after I had got to Paraguay, notwithstanding all these difficulties, I learned from different sources that several of my friends in the squadron—and I believe nearly everybody in the squadron of the higher grade of officers were my friends—had been very much persecuted by Admiral Godon for that reason. I heard, in the meanwhile, that the United States proposed mediation, and that it had sent instructions to General Webb, and General Asboth, and myself, respectively, to see what we could do in the matter of mediation. But I had not got any letters, official or otherwise, for a long time, and I thought I would try and ascertain what was going on in regard to the matter. I went down to the front, and went through the allied camp to see if any mail matter had come for me. I heard while there that General Asboth was expected up, and that this matter of mediation had been discussed at considerable length in the newspapers of the place. I returned, and had been back only two or three days—had come up from the army to Asuncion—and I got a telegram informing me that Captain Kirkland, of the Wasp, had arrived at the camp with dispatches for me. I went below to meet him, as he was not allowed by Lopez to go up to Asuncion. I ascertained that General Asboth had not come on board the steamer, although he desired to very much. And it appears from the correspondence that, though Admiral Godon was sending up a gunboat to bring dispatches to me, and General Asboth thought it very important and necessary that he should have a conference with me in regard to the proposed mediation, Admiral Godon refused him permission to travel on a United States gunboat, and he did not think it very proper to travel on a private vessel when a gunboat was going up; and, therefore, he did not come to visit me. But we considered—I considered—that we were no more bound to consult admirals than other individuals in regard to our diplomatic duties.

Q. Did you not state to the Secretary of State that I had had some communication with the Brazilian minister that led both you and Mr. Asboth to suppose that I had conceded something to those gentlemen?—A. I stated that in one of those letters. When I was in the allied camp of the Marquis de Caxias I inquired of him whether he had heard anything in regard to General Asboth, and whether he was coming up or not. He said no, he thought not. He said he had got a letter from—I did not understand who—but it was evidently an official letter, and he read it to me. It was in substance to this effect: That General Asboth had desired to come up to Paraguay to consult the American minister there; but that they, the writers of the letter, whoever they were, had arranged it with Admiral Godon so that he should not go. That was the purport of it.

Q. And you considered it necessary to write to the government, on the strength of the statement of the Brazilians, that I had done this?—A. I did do it.

WASHINGTON, D. C., *Wednesday, April 14, 1869.*

Hon. CHARLES A. WASHBURN appeared and resumed his statement:

I would remark that this delay to which I was subjected by not having a gunboat when I first arrived at the Plate, had the effect of causing me to be suspected very much by the allies. I persisted in going through, notwithstanding all the obstacles put in my way; notwithstanding that Admiral Godon refused to send a gunboat with me, and I never would take money or anything else from them. I would state on two different occasions I was offered money, once by Admiral Tamandaré. He made no secret of it. It was to keep me quiet, and to induce me not to go through. And another high official came to me afterwards in Corrientes, and made a proposition that I should accept money. I declined. He said it was a confidential affair, and I do not desire to make use of his name unless the committee desire it. He was a Brazilian, high in authority. He persisted, and finally the result was that they thought or pretended to think that I must be somehow in the interest of Lopez, or a friend of Lopez.

By Mr. ORTH:

Question. Upon what terms were you with Lopez prior to your visit to this country?—Answer. Our relations were amicable enough.

Q. How were those relations affected by your long delay in returning; what impression did it make upon his mind?—A. I suspected that my delay would be construed by him against me; that he would think I was delaying in the interest of the allies, and that I should lose any influence that I might have had after I got there, by that delay. And I am satisfied that was the case, to a certain extent. In fact, it had been reported there that I had been bribed not to go through. Yet when I did force the blockade, he made a great flourish of trumpets to his own people, to show that the Brazilians had been humiliated by my getting through. I was regarded, however, by the allies with such distrust that I was spoken of always by them as a friend of Lopez; whereas I was

not a friend of Lopez ; I was a friend of the Paraguayan people, and hoped Lopez would be used up before he sacrificed all of them. Nevertheless, it was my duty as a minister not to show that feeling, and I ostensibly kept on good relations with the head of the government as far as I could. The allies regarded me all the while as inimical to their alliance and to them ; and their newspapers spoke of me in derogatory terms. They put great impediments in the way of my getting supplies and mail matter—all owing to this delay caused by Admiral Godon, I think, and my persistency in breaking through at last.

Q. Did you ever mention this matter to Admiral Godon ?—A. I did not have any communication with Admiral Godon all that time.

By Admiral GODON :

Q. Was there any communication ever addressed by Mr. Kirk about this business, which came to me in any shape, which would place these things before me in any possible form ?—A. I know of no communication from Mr. Kirk to you about it ; I made no formal application to Mr. Kirk. But what I wish to say is, that I was obliged to remain with my family at Corrientes about five months. At that time it was a city of hospitals, very sickly, and we were exposed to a great many inconveniences and humiliations. I heard of people having pretty warm discussions about my position. They said I could not be an American minister, but was an impostor ; that the American government would not permit its minister to be hanging on the skirts of the army instead of going to his post, especially as they had a squadron in the river doing nothing. That was the talk there in Corrientes.

Q. Was that conversation of any consequence ?—A. It was humiliating to me ; that was of sufficient consequence so far as I was concerned.

Q. Was there anything official about it—anything beyond the ordinary talk in the streets ?—A. I did not go out to inquire about that. I heard such rumors ; and this state of feeling existed against me most of the time I was there. And when I got away from Paraguay under the circumstances that I did, when Lopez had set his plans to kill me, as he has killed everybody else, the allies and their press set up a howl against me. It was a great satisfaction to them to abuse me, notwithstanding I exposed the atrocities of Lopez, whom they hated worse than they did me. Besides, this newspaper abuse was caught up by the newspapers in this country, and throughout the country from Eastport to San Diego, in every newspaper I was very severely censured. The delay to which I was subjected was the cause of it all. I was also censured by them for my conduct in connection with Messrs. Bliss and Masterman. But the fact is, Bliss and Masterman agreed with me that the only possible way for me to save their lives was to do exactly as I did. To show that I represented the facts to the State Department, I refer to my letter dated Corrientes, July 27, 1866, addressed to Mr. Seward, as published in the diplomatic correspondence of 1866-'7, vol. 2, page 591 ; also to my letters of August 10, 1866, and September 20, 1866, and September 24, 1866, in the same volume.

By Mr. WILKINSON :

Q. You state that you did not address yourself to the commander of the allied forces and to the President of the Argentine Republic, as instructed by Mr. Seward, before you applied to the admiral for a vessel ?—A. No, I did not do so.

Q. Why did you not do so ?—A. The circumstances had changed since I had written to Mr. Seward, and the President of the Argentine Republic and the commander-in-chief of the army had refused to hold further correspondence with me ; I therefore thought it would be worse than useless to make that application. I wanted to avoid a rupture, and I knew the sight or presence of a gunboat was the only thing that would prevent it.

By Mr. SWANN :

Q. Did you take it as an offensive termination ?—A. No, not exactly ; but it was a termination of the correspondence nevertheless.

Testimony of Rear-Admiral S. W. Godon.

WASHINGTON, D. C., April 14, 1869.

Rear-Admiral S. W. GODON sworn and examined.

By the CHAIRMAN :

Question. What is your present official position ?—Answer. I am the commandant of the New York navy yard, and in 1866 I was in command of the Brazilian or South Atlantic squadron.

Q. When did your command of that squadron commence and terminate ?—A. I sailed

from the United States June 21, 1865, and I returned in September, 1867; I was in command about two years, and had the entire command.

Q. Of what did your squadron consist during that time? Please name the vessels and their character.—A. Of but one vessel at first; the *Susquehanna* was my flag-ship. My orders to the Brazils were, of course, to cultivate the best relations between those countries and the United States, and there was a special instruction to me to endeavor to do away with the unpleasant impression that had been produced by the unfortunate affair of the *Florida*. I first went to Bahia, where this affair took place, and I was then informed that the *Juniata* would be ordered from Charleston, and would meet me. I was told that the *Wasp* would also be there and follow me very soon, and that the squadron would consist of six vessels. Eventually it did consist of six vessels.

Q. At what time?—A. The *Juniata* came very shortly after I arrived there; the *Wasp* came in November or December; the *Nipsic* also came, (a partly sailing steamer;) the *Shawmut* arrived from the Mediterranean, and the *Shamokin* came at a time I do not remember now.

Q. You had command of these six vessels during the whole of the year 1866?—A. Yes, and nearly all of 1867.

Q. Where were you principally stationed during that year?—A. I commanded from Cape Horn to the equator.

Q. Were you during the time you have mentioned superseded, even temporarily, by any superior or other officer?—A. No, sir.

Q. Where was your flag-ship principally stationed?—A. My headquarters was at Bahia, about 1,200 miles to the northward, as it was considered unhealthy in Rio; but I found it was not a central point, and I afterwards changed my headquarters to Rio.

Q. You considered Rio then your headquarters?—A. Yes, it has always been so considered before, and I considered it so. We had our store-houses there.

Q. When did you first become acquainted with Minister Washburn, and under what circumstances?—A. Mr. Washburn arrived in Rio, as he states, some time in September. He came in an irregular steamer, the *Montana*, I think. When the steamer by which he came arrived, she was ordered to be boarded by our men, as was the usual habit. The boat returned, and the officer told me that Mr. Washburn, the minister to Paraguay was on board, and that he had asked him if there was any man-of-war there that could take him to Buenos Ayres. The boarding officer was a lieutenant I think. He came on board, made his report to my fleet captain, and my fleet captain told me what had been said. I said is the minister on board? He said he was. I sent a boat to the vessel and offered Mr. Washburn my services, and invited him to come aboard my ship. The boat returned, and the officer reported that Mr. Washburn had left the *Montana* and gone on shore, but that Mrs. Washburn was on board. I got in my own boat and went aboard to bring Mrs. Washburn on board of my ship, as I was told that the *Montana* was a small vessel and had not the best accommodations. When I arrived Mrs. Washburn was at dinner, and I waited on deck to see her. In the meantime the gig of the *Susquehanna* came alongside bringing Mr. Washburn and Major Ellison, a gentleman from the shore whom Mr. Washburn had met on landing. This meeting with Mr. Washburn on the deck of the *Montana*, was the first time I ever saw him. Mrs. Washburn soon after came on deck, and we had some conversation, and then Mr. Washburn asked me if I had a gunboat that could take him to Buenos Ayres. I said no, I had not. "Why," said he, "there is one," pointing to the *Nyack*. "Yes," I replied, "but she is a miserable sort of thing for your purpose. Besides, I have no control of her, she belongs to the Pacific squadron, and is on her way to the Pacific. But if the officer commanding her is willing to take you there, I shall not put any objections in the way. I shall not withhold any permit."

Q. Had you any authority to command that officer?—A. Yes; I had authority to command all under me; but I had no power to direct vessels belonging to another squadron to my purposes, except by military power, which is a dangerous thing. till I had perfect power if I thought proper to do so.

Q. Did you confer with the captain of the *Nyack*?—A. No, sir; I considered her an unsuitable vessel.

Q. Was Mr. Washburn willing to take passage in the *Nyack*?—A. Mr. and Mrs. Washburn and Major Ellison came on board my ship and dined with me. After dinner we pulled alongside of the *Nyack* and looked at her, and Mr. Washburn himself seemed to think she was not a very suitable vessel; and the request was not made. If the officer had volunteered to take him I should not have said anything against it; yet I would not have taken any responsibility about it at all beyond the fact that I did not deny it.

MR. WASHBURN. I was told that the *Nyack* was not suitable, and I said substantially that I did not care to go in her.

Admiral GODON. I had nothing to do with sending Mr. Washburn to Buenos Ayres at all.

By Mr. WASHBURN:

Q. Did I ever claim that you had?—A. No, sir.

By the CHAIRMAN:

Q. What do you consider the duties of the commanding officer of a squadron, as you were, when any American minister asks of him conveyance to his destination?—A. It would be difficult to say.

Q. I mean if you had no specific orders from the Navy Department.—A. To illustrate I will give an example: General Asboth came to Rio, and took the place of Mr. Kirk. The mission at Buenos Ayres had been vacant for some time; Mr. Kirk had left, and there was no secretary of legation there; General Asboth came at a time when I considered that it was proper that he should go to Buenos Ayres in a creditable way. I, therefore, told him I would direct the commanding officer at Montevideo to take him to Buenos Ayres, and informed my government of the fact by letter. I give this as an illustration of an instance in which I think it would be proper. I did it of my own discretion. In this case there was no blockade to break, nor anything else in the way; and as General Asboth was duly accredited to the place, did not speak the language, and the mission being vacant, I at once considered it my duty to send him. He did not ask me to send him that I am aware of.

Q. From the circumstance you have detailed with regard to General Asboth, are we to consider that you conceive it to be the duty of the commander of a squadron, if he has no contrary orders to prevent from the head of his department, to facilitate the passage of an American minister to his destination?—A. Yes, sir; I do.

Q. When was your next interview with Mr. Washburn?—A. We met several times afterwards in Rio. The French or English steamer left and there was some conversation whether he would go in it or not. My idea was, and I turn back to it now precisely as my mind was then, that when I knew how matters stood up the river, I would do all I could to take Mr. Washburn to Paraguay. There was a blockade, and there were other troubles then I did not know all about. I had only arrived in Bahia the previous September.

Q. You say that you tendered a passage to General Asboth without his requesting you to do so?—A. I think he did not even ask me. I am not positive.

Q. You say you tendered a passage to General Asboth from Montevideo to Buenos Ayres, because we had no minister there, and because you had a vessel at your command. Why didn't you make the same tender to Mr. Washburn when we had no minister at Paraguay, and when you had a vessel at your command?—A. I stated that Mr. Kirk had left the mission to be filled by a successor; but Mr. Washburn was the accredited minister on leave of absence from his post. General Asboth was a stranger, unacquainted with the country and its language.

Q. What distinction do you make between the two cases?—A. Mr. Washburn had left Paraguay at his own request, on leave of absence, and returned to the United States, and came back and wanted to go up there. I did not send Mr. Asboth from Rio, but from Montevideo. I saw that our mission was left vacant, and General Asboth had in his hands then the very order to ask these ministers there for this passage of Mr. Washburn through the Paraguayan lines.

By Mr. WASHBURN:

Q. Could not General Asboth have got from Montevideo to Buenos Ayres almost any day on a merchant steamer, and was it not very difficult, if not impossible, for me to get from Buenos Ayres to Paraguay without the aid of a gunboat?—A. Yes; there was a blockade in the way, and the question was totally different. In General Asboth's case I could send him up without instructions, and without danger of involving the country in war, and without resistance; and I did what I thought was right. But Mr. Washburn asked me to go to Buenos Ayres from Rio, about 1,200 miles. I would have considered, and offered afterwards, to take Mr. Washburn to Corrientes when it was proper to do so; but not at the time he said.

Q. Didn't I request that I should have a gunboat furnished me to take me from Buenos Ayres to Paraguay, while I was in Rio, leaving out the question of how I should get to Buenos Ayres?—A. Mr. Washburn repeatedly spoke of getting up to Paraguay. At that time (as I said before) I was ignorant of the condition of things there, but I told Mr. Washburn that when I got up there I would see what I could do. My intention was to take him to Paraguay if I could. Mr. Washburn spoke of it, and I spoke of it; I wanted to go myself.

Q. Did you make that intention known to Mr. Washburn at that time?—A. Yes, sir, certainly I did.

By Mr. ORTH:

Q. State what next occurred.—A. I cannot recollect how long Mr. Washburn remained there, at Rio. In the meantime I had many matters to attend to. There were 1,200 or 1,500 tons of coal lying at St. Catharines, intended for the Alabama, and I went down to look

after it, as well as to exercise my guns. When I returned to Rio I found Mr. Washburn still there. The subject of his going to Paraguay came up again. Mr. Washburn spoke to me about it, and I felt perfectly easy about it. I thought when the time came (when I got a vessel) that I would probably be able to do this thing. Then the Wasp arrived, and she had something to do; and the storeship arrived, and I had something to do in connection with that; and from one cause or another—I presume from proper causes, for I know of none that were not faithful causes in connection with my duty—the matter remained unsettled. I had no other feelings that governed me in the matter, but the simple fact that I was doing my duty. My opinion is that an officer must do his duty, faithfully and truly as he best understands it; and if he thinks it necessary to send a minister through a blockading squadron, under fire, to do it; and if he thinks it his duty not to involve the country in a war, not to do anything that would lead to it, and to take the responsibility.

Q. What occurred after your return from St. Catherines?—A. I met Mr. Washburn in precisely the same way as before, on friendly terms, and he remained in Rio possibly a month or six weeks; I cannot state positively what length of time. The matter was talked over, and I often said to him that I would do all I could when I got up there, but that I must see how things were myself; that I could not leave at that time; that I had no vessel to go with. I think it likely the Wasp had arrived, but she was not suitable. I admit everything that Mr. Washburn desires with regard to his wishing me to send him there, and my desire to help him whenever I could. There were many detentions, and I mention this because I do not recollect the times and details; but my intention was to go down at the proper time. Just as I was about to sail, however, the storeship arrived, which annoyed me, because I would have preferred being down there at the time. I did go, as soon as I could manage it, to Montevideo. I was expecting the Shamokin and another vessel at this time. The Shamokin was a very nice river vessel, well adapted for the purpose of taking Mr. Washburn up the river. She was a long time coming out. I left the Juniata there, and had written to establish myself at headquarters at Rio, and I went down, stopping at St. Catherines, to make use of this coal, and finally arrived at Montevideo. As Mr. Washburn says, he had written me a private letter and followed it down the next day. We had a talk over these matters, and I found, as I got nearer the seat of action, a very different state of things to that I had been led to believe. I found there was great risk in this matter. There was a blockade as well as military lines. The Paraguayans had just been driven back from Corrientes, and it had been blockaded by the Brazilian squadron in the river. The proclamation of blockade had been issued, and it was a contested point. Mr. Washburn's letter to me was a friendly one, and I treated it as such, and was glad to get it. He gave me some information I was glad to receive. He came on board with a friend, and they dined with me, and remained aboard all night. The difficulty that afterwards occurred between us was a diplomatic difference entirely, so far as I know. At Montevideo I called on my acquaintances, among others the French admiral. I had a talk with them on these subjects. There was a great confusion of ideas. The French, the Italians, and the Spaniards, were all for breaking the blockade. I did not agree with these gentlemen; there was a diversity of opinion. I went up to Buenos Ayres shortly afterwards by official invitation of Mr. Kirk and Mr. Helper, our consul, and helped arrange some matters where there had been a difference of opinion between them. While there I visited Mr. Washburn, and this matter was talked over again. It was a constant subject of conversation, and it was growing upon me very clearly now. Mr. Washburn talked about the matter very urgently, and then I told him my reasons about Paraguay. They were, that it was a blockaded place; that there were no Americans there that I knew of, and that we had not a straw of interest in that country. I had called upon Mr. Elizalde, an influential man there, and upon every American merchant in Buenos Ayres. Mr. Hale, a particular friend of Mr. Washburn, and who would have liked very much to have Mr. Washburn go up, told me there was not a particle of interest to us there in any way. Mr. Zimmerman felt the same way. I told Mr. Washburn all this. But I would not make up my mind until I saw Tamandaré. He told me the army was about to move up; that they held Corrientes in blockade, and hoped that I would not resist it; that the English, the French, and all the European nations were very anxious that the place should be opened. I had seen that the foreign naval commanders there, the Italians especially, were all desirous of breaking the blockade, but none of them cared to run the risk. There the matter stood. They hovered about Corrientes, but they didn't care to do it, and go beyond. The case now was perfectly clear in my mind. I had no interest in breaking that blockade, or do anything that might involve a question of war with the United States, and I left with the full determination that I would not break that blockade.

Q. Would the passage of a war vessel of a neutral and friendly power through that blockade be regarded, either in law or in fact, as the breaking of the blockade?—A. Yes, sir; it would have been in law and in fact a breaking of the blockade, and I considered it so.

Q. Were any war vessels of any other nations passing up and down there at that

time?—No, sir; none. And I will here state that the French three months afterwards sent the *Decidé* steamer up, and they sent her back. The *Decidé* went up there at the suggestion of Mr. Becour; but they stopped the vessel and the admiral had the mortification of being sent back. He returned to Rio and steamed around my ship, lowering his flag to me as he passed, because he wanted to gain the American interest in his behalf, and he wanted me to send vessels up there on that account. Mr. Washburn took question on the subject of going up as high as Corrientes—not to Paraguay; that part I had dismissed. I had made up my mind that I could not involve myself in these subjects without some more instructions than that. I wanted to know something more about it, and that question was then settled. But I did say to Mr. Washburn, that later I would send him up in a sailing vessel to Corrientes, and Mr. Washburn said, "If I could get up to Corrientes I could manage then probably to get over;" and he said on one occasion that he would go over in a canoe.

By MR. WASHBURN:

Q. Didn't I want a gunboat to take me up that far, saying that I believed that the presence of a gunboat would, in itself, induce them to let me pass through in some way, even though they objected to the gunboat going through?—A. I recollect nothing of the kind. At that time it was unhealthy. The *Wasp* could not go up there and return at that time with the coal she had. It was the sickly season. Mr. Washburn urged that it was not sickly, but the heat was intense, and there was actual sickness at the time, and I did not want to send that little vessel up to Corrientes, as her cabin was hardly larger than this table. The distance was 1,000 or 1,200 miles up the river, and it would have required the consumption of three, four, or five thousand dollars' worth of coal. The cabin of the steamer must be taken from captain and given to Mr. Washburn, and the men and officers would have to lie upon the deck of the vessel. There were many reasons of that kind which made it wrong for me to send a vessel up to Corrientes; I do not recollect any other special reasons now. I was responsible for what I did, and when the thing was clear in my mind, I did not hesitate to take the responsibility. I had, however, been frequently reminded that Mr. Washburn belonged to an influential family here in the United States. If I did anything that was wrong I had no political friends. This matter was brought to my mind; General Webb wrote me a note to that effect some time afterwards. I knew that was a thing that would help me a little in what I was doing. If I got a little wrong, I would be helped by that, but if I got a good deal wrong I should not be helped by it at all. I had to answer for my own acts. This I mention to show that I had rather the disposition to do it. Still I decided I could not, and when my mind was made up to that, I determined not to. I was a good deal exercised to come to a fair and proper conclusion about this matter, but when I did I went to Mr. Washburn and told him that as to going up to Paraguay it was quite out of the question, and going up to Corrientes is a great inconvenience. You are here; you could do no good there, and when the season comes around, say in two months, when we can get the southeast breezes, and a vessel with a better cabin—the *Nipsie* or the *Shawmut*—one of those vessels can go up the river to Corrientes, sailing most of the way, only using steam to go around the bends of the river, at no great cost of coal. The officers and men then can be on deck without being injured by the mosquitoes. There is no haste in this matter; and then I will send one of those vessels up to Corrientes, and if the officers are willing to make these arrangements with you, I shall be most happy to oblige you. I said I would do that in the month of April or May, as a convenience to Mr. Washburn. That matter was then understood, as I supposed. I said this thing is an uncomfortable thing to me in every way, but if things remain as they are, if I can do this thing I will do it—that is to Corrientes; beyond that I could not think of doing it. Mr. Kirk then told me that Mr. Washburn was about to report me to the Secretary of State. I said I did not see why he should. He said that was what he was doing. Captain Taylor of the flag-ship was present, and Mr. Kirk added that he was doing this because I would not take him up the river. I expressed my surprise, and said, Mr. Washburn knows perfectly well I cannot do it. The thing is understood. I asked Mr. Kirk, "Did he say that you were to repeat it to me?" "Yes, he did;" and he said he had seen part of the letter Mr. Washburn had written. I went immediately around then to see Mr. Washburn, and said to him, "Mr. Kirk has told me you are going to report me to the State Department. I think it a very remarkable fact that you are censuring me to the State Department." Mr. Washburn replied, "I did not say I was going to report you," or didn't agree exactly to the word "report."

MR. WASHBURN. Was it not that I was going to defend myself, and justify myself from blame?—A. I don't discuss it. That is what Mr. Kirk said, and I referred to Captain Taylor, who was present. I then said, "Mr. Washburn, I had intended to have done this thing with the best and kindest feelings, but since the matter is to go to the State Department, I would prefer letting matters now stand until I get regular orders on the subject." This occurred in the month of January, 1866, I presume.

By Mr. WILKINSON:

Q. How long had Mr. Washburn been there waiting at that time?—A. Since about the 4th of November. Now, I said, if I am to be reported at the State Department, then I will get my orders, and I will get them from the Secretary of the Navy. But still I did not really believe that Mr. Washburn would report me. Mr. Washburn wanted to discuss the question. I said no; I have given all the reasons I possibly can, and I would rather it would stand in that way. I had never received one official line from Mr. Kirk, or Mr. Washburn. I stood in this matter simply as being appealed to by Mr. Washburn.

By Mr. WASHBURN:

Q. Would you have acted differently if I had written you officially?—A. I cannot tell what I would have done. I shall not answer in that kind of way. I would probably have done this: I would immediately on the receipt of that letter have sent it to the United States, with my reasons, and I would have answered it immediately.

By Mr. ORTH:

Q. Did you intimate to Mr. Washburn at any time that he should address you officially?—A. No sir, I never did.

Q. Did you ever make any objections to Mr. Washburn that his request to you was not of an official character?—A. No sir, never in any way.

Q. You did not state that you declined acting because he did not address you officially?—A. No, sir. If it had come up officially I would have sent it to the United States with my reasons. I did not write at the time; but Mr. Kirk afterwards came on board of my ship and told me, in the course of a conversation, that it would be well for me to look out for myself; and I thought that probably it would be better at once to let the department see how the matter stood, and whether I was acting exactly as the department desired. So I gave my reasons. And then for the first time commenced the official correspondence.

(The witness read his letter to the Secretary of the Navy, dated January 23, 1866, as published in Ex. Doc. 79, 3d sess. 40th Cong., No. 33; and Mr. Welles's reply thereto dated March 12, 1866, published in the same document.)

I have referred here to the views that Mr. Washburn gave me. I will now state that Mr. Washburn urged upon me that if he could get to Paraguay, he thought he could make peace with these people. I knew those people pretty well, and did not agree with him. He spoke of Lopez in strong language, pretty much as he felt about him; that he was a bad man and he thought he could not sustain himself there very long; that he believed that if he (Washburn) were there he could help matters; that the Brazilians wanted him out of that country, and that he would like to have a vessel there among other things in case that Lopez wanted to go, as it would be a convenience for him to go. Mr. Washburn desired that I should see Mr. Saguier, a Paraguayan who had left Paraguay and was living at Buenos Ayres. I did not care to see him. However, Mr. Washburn urged it upon me, stating he would tell me a good deal about Paraguay and Lopez, and that he would convince me that Lopez would like to come away. I told Mr. Washburn, however, at that time that I had not the slightest idea of putting myself in any position of getting Lopez aboard of a man-of-war in my squadron, if I could possibly help it; that I was out there for American interests; that I was a neutral, and I was bound to continue so. The very first thing that came up in my mind then was, that this business at Paraguay would be more troublesome than I had any idea of. It made me very cautious how I was going to act in these matters. I went to see Mr. Saguier, as I thought it likely I might hear something of the country; but I did not see him until he called at my house—at my headquarters. I do not recollect whether he came with Mr. Washburn or not. I found him a gentleman of intelligence and education, speaking both Spanish and French. We spoke in Spanish I think, and conversed on this subject. I found that Mr. Saguier had come to me to persuade me to do this thing of going up the river, and to be convenient that Lopez could come away in the vessel. Among other things I remember his using the expression that Lopez was a coward. I said he had not shown it; that he stood up to his work amazingly well. But still he urged this thing and it became rather offensive to me. I saw I was to be argued into doing this thing, and finally in his warm and excited manner, forgetting himself, he addressed me as "commodore." I had been waiting for an opportunity to let him see that he was mistaken in acting in that particular way; and I said to him, "One moment; you have addressed me outside of my rank which has been conferred upon me by the government; I desire you to know that I am an admiral, and one who is not to be influenced." I did it to check him. His conversation was not an agreeable one towards the close; and I soon after left him. Mr. Washburn said to me, "What kind of an impression did he make upon you?" and I said he did not make an agreeable impression upon me at all. I left him with the impression that this was a matter I had nothing to do with, and that I must not commit myself in those matters. I did not allude to this conversation in my letters; I did not think it proper to do so. I did not

think it was the proper view to take of it, and it made me cautious. Still I got this letter from the Secretary of the Navy, and I felt that thus far I had done right. When this letter was received I was at Montevideo. I had gone to work immediately after leaving Buenos Ayres, to fit up the *Wasp* with something like a cabin on deck, which would give a great deal more space, and I had bunkers made holding from 40 to 50 tons of coal. She was very awkward for man-of-war purposes, and very inconvenient for carrying passengers until I fitted her up for that purpose. In the mean time I went up the Uruguay river, and on my return to Buenos Ayres I was invited by Mr. Octaviano, the special envoy representing the Emperor of Brazil in the conferences of the allied powers, to an interview. I wrote to the government from Montevideo, May 18, 1866, informing it of the result of that interview.

Perhaps I should say, in explanation of this letter, that I had a difference of opinion with Mr. Kirk about my visiting General Urquiza. Mr. Kirk did not want me to go and visit Urquiza, who was an influential man, but not holding a position in the government. I thought that Urquiza would be the great man of the country, and that there was no reason why I should not go and see a man of his immense influence. But Mr. Kirk seemed to think it would not be pleasant and agreeable to the government, and wrote me a note to that effect. I differed from him entirely, and I wrote an answer, in which I stated that I guessed he (Kirk) would find that I scarcely needed a dry nurse. I did not go because of this little mishap. But I afterwards did go and have an interview with him, as I felt that it was my duty to pay my respects to him.

In my interview with Mr. Octaviano, at Buenos Ayres, Captain Marvin and Captain Kirkland were both present, and I heard exactly what Admiral Tamandaré had said. Mr. Octaviano received me without formality, and came up to me and immediately began to speak about what Admiral Tamandaré had said: that Admiral Tamandaré had said that I had told him that if one passed the military lines, anybody could go. Those were his words as I understood him. My remark was, "If Admiral Tamandaré has said that, he has made a great error;" and Mr. Octaviano remarked, "Admiral Tamandaré is not in the habit of making errors." I said, "I hope I have not come here, at your invitation, to discuss the habits of Admiral Tamandaré; I do not know what they are; but if he has said that, he has made a very grave mistake. I said to Admiral Tamandaré that when that blockade is established at Tres Bocas, I will acknowledge it. I did acknowledge the blockade there; but, sir, if you allow one vessel to pass that blockade, it is gone." "Why," said he, "that is what I said." "No, sir," I replied, "you said if one *person* was to pass. I had nothing to do with the military lines; my action was entirely in reference to Admiral Tamandaré. I told him I would acknowledge that blockade, that I could not resist it; and I told him more, that whatever part he conquered, I would acknowledge the blockade there, but that he must conquer it." My interview was not an agreeable one at first. I was annoyed. He immediately apologized and then went on to say something about Corrientes. I suggested to him that, while they might have the right to prevent their passing through the military lines, I considered not granting it was neither amiable nor friendly, and might lead to results. But I did not claim the right to have Mr. Washburn go through. I did not mention his name in connection with the subject of military lines; that was a subject for Mr. Kirk to attend to. I was cautious not to touch that point. I then left. Mr. Washburn was at Corrientes, and I would have been pleased to hear from him, but, unfortunately, our friendly relations had ceased. As I was placed in the position of having done wrong, I wanted my authority from the head. Neither Mr. Washburn nor Mr. Kirk wrote to me; but I knew when the proper time came the government would send orders about the matter. I then went to Rio, where I received the first letter from the Secretary of the Navy in connection with anything like an order; that letter is dated April 26, 1866.

Q. Did you understand from that letter that in the event of their not permitting Mr. Washburn to return to Asuncion, you should furnish him with a vessel and escort, and force the blockade?—A. Yes, sir. That is a war measure, and I could have acted without any mistake.

By the CHAIRMAN:

Q. You stated in your letter of July 6, 1866, detailing the interview you had with the officers of the Argentine Republic: "The conversations were entirely unofficial, although very plain on my part; and it is distinctly understood by them that unless our minister is permitted to proceed at once to his destination, I will place him there without further delay." Why didn't you proceed to place him at his destination without further delay prior to July 6, 1866, when you wrote this letter?—A. Because I had no orders to do it.

Q. Did you, in this interview, inform him that you had received those orders?—A. I did not. What I did say is contained in the same letter, in these words: "That our right was so perfect to send a minister to Paraguay, with which country we were on terms of friendship, that doubtless the government of the United States would claim an explanation for the delay of Mr. Washburn, and that I had already received instruc-

tions how to act." I said perhaps more than I had a right to say to the minister; but I told him this unofficially: "If anything has escaped me, I hope you will consider it due to a foreign language." I was not a diplomatic agent, and could not act as one.

By Mr. WILLARD:

Q. You understood that the Brazilian government had sent forward instructions?—A. They told me they were very anxious to. They found now that I was going to move very fast in this matter, for if the demands were made, and I heard that they had been refused again, I should have had nothing more to do about it; and I was extremely anxious that they would send their instructions.

Mr. Washburn mentioned in the course of his evidence that I had gone north on one occasion, instead of going south. Mr. Webb, in his correspondence, states so too. I did go north, but I had two objects in view; one was, to give them time to send these instructions down there; that there might be no complication; and the other was to proceed to Bahia, by order of the government, fire a salute on account of the Florida affair, and endeavor to renew a good state of feeling. As Mr. Washburn has seen fit to allude to this, I mention it to show the committee that my going north was specially official; and you will find, I think, when that conversation is seen, that the admiral said to me, "Now we have had this talk over and settled these things, don't go down south, don't do anything yet; give us all the chance you can."

By Mr. WASHBURN:

Q. When did you first learn that they had not sent these instructions?—A. I never heard they had not sent them.

Q. Didn't Captain Crosby tell you?—A. I never heard they didn't send them, nor were any instructions ever sent, to my knowledge, for a vessel to pass the blockading squadron, and I do not know that they have ever been given to this day. The military lines was the only question at issue. I never was asked to ask a passage through the blockading squadron. I was told to go.

Q. Didn't the blockade constitute a part of the military lines?—A. No, sir; my ships cannot pass through a military line.

By the CHAIRMAN:

Q. At what time did this blockade commence?—A. It was established at the time I arrived there, in January, 1866.

Q. How long did it continue?—A. It was broken by the allies after the gunboats went up above Humaita.

On the 8th of August, 1866, Mr. Washburn wrote to me inclosing a copy of the dispatch sent to him by the Secretary of State. In referring to this dispatch, Mr. Washburn says: "By the last mail from the United States, being then at Corrientes, I received a dispatch from the Secretary of State, in which he informs me that 'the President is *very much* surprised at the course of the allied commanders in detaining me, as it is a proceeding both discourteous and illegal.'" By referring to this dispatch, it will be seen that the words used are, "the President is surprised," and "is deemed not altogether courteous," instead of the words he uses.

Now, I want to state that with both these documents before me, and both of them official, what was I to do—to take the words of the minister, or the words of the Secretary? That letter was ordered to be sent to me, and I had to view the instructions of the Secretary of State precisely as I read them, that the President was surprised at the delay in allowing a passage through the military lines, and it was deemed "not altogether courteous." There was nothing "illegal" about it, and it comported precisely with my ideas. While that dispatch of the Secretary of State of April 16, 1866, was being written in the United States, (and which only reached me in the following June,) I was stating to Mr. Octaviano almost the exact words that the Secretary was using in regard to this affair: "Sir, my government may perhaps say to you that that is not an amiable or friendly act." But I did not say to him that it was "illegal," because I thought they had the right to do so if they thought proper. Still I am told by the minister that it was an illegal act, though the Secretary simply says that "it is deemed not altogether courteous." With that difference of opinion between the Secretary of State and Mr. Washburn I was compelled to write to him and give him my honest view of what Secretary Seward did say. And that drew from Mr. Washburn a letter in which I am told that I was imprudent, or something, because I took a different view from him, and that I was to put no construction on the dispatch. In my view I was compelled to put my construction upon it, and to act accordingly, or else why was a copy of the dispatch sent me—a very unusual measure?

By Mr. WILKINSON:

Q. Did you, or did you not, think that the government of the United States had no interests that required Mr. Washburn to go up there at all? Did you entertain that idea?—A. I knew that there was no American interest there at all, nor any mercantile interests, so far as the American merchants were concerned.

Q. Did that knowledge influence your action at all in this matter.—A. Very much in connection with the blockade; that was the point in my mind.

Q. Did you think, as a naval officer, it was your business to judge whether the United States government had interests there that made it necessary for Mr. Washburn to proceed there?—A. Yes; I knew there were no interests there.

Q. But the government having appointed Mr. Washburn minister to Paraguay, and he having reached your squadron on his way there, did you regard it as your province as a naval officer to say whether it was necessary that he should go up there, or not, as an accredited minister of the United States?—A. No, sir.

Q. Would you not think it was Mr. Washburn's province to determine that question, whether it was necessary for him to go up, or not, rather than the admiral's?—A. I think so; yes, sir.

Q. Yet I see by the testimony of Governor Kirk, that you gave as a reason for your course that you did not think it was necessary that the United States should have any minister up there.—A. I had the view that it was my business to judge about taking him, not about his going there. I had nothing to do with his going there.

Q. If you had, in your official capacity, thought it was necessary for the interests of the United States that he should be taken up there, would you have regarded it as your duty to have detailed a vessel for the purpose of taking him up there, and even to have broken the blockade, if necessary, that the government should have a minister there; would you have detailed a vessel to help him through?—A. I would not have broken a blockade because there might be particular interests there, without I knew what those interests were.

Q. But if you had regarded it for the interests of the United States?—A. I could not have broken the blockade under those circumstances. It involved a great many questions. I should have been very careful about taking action unless my mind was very clear that the interests were equal to bringing on a war.

Q. You think, then, that it becomes your province to determine the question of the propriety of sending the minister there?—A. I would have to determine it. I could not receive an order from the minister. I must be impressed, and my self-conviction must be positive on the subject that I am going to do a thing that is right, as my commission and my honor is at stake, unless I have positive orders. The minister, in making me the suggestion as to what I ought to do, did not take the responsibility of my action away from me. His view might help me in coming to a decision about the matter, but he had no right to control me. But I wish to state, and have it fully understood, that whatever I did I was governed by a simple sense of my convictions at that time, and influenced by no other feelings whatever.

WASHINGTON, D. C., *April 15, 1869.*

Examination of Rear-Admiral S. W. GODON continued.

By Mr. ORTH:

Question. Will you please proceed with your narrative from where you left off on yesterday?—Answer. I would like to refer to a letter of General Webb, dated September 16, 1866. It is as follows:

“LEGATION OF THE UNITED STATES,
“*Petropolis, September 16, 1866.*

“SIR: In reply to your official note of yesterday, received at 7 p. m. this evening, I have the pleasure to communicate, for your information, that on the 22d of August I advised Mr. Washburn officially that all obstructions on the part of the allied fleet to his repairing to his post of duty had been removed.

“I have the honor to be, very respectfully, your obedient servant,

“J. WATSON WEBB.

“Acting Rear-Admiral S. W. GODON,

“*Commanding U. S. South American Squadron.*”

I then wrote to the Secretary of the Navy, under date of October 8, 1866, to inform him that I had sent orders to Captain Crosby to convey Mr. Washburn, minister to Paraguay, to his post at Asuncion, assuming that by the time he would reach Buenos Ayres his instructions would have been complied with, and that he would have received the permission which had already been sent from Brazil, and that there would be no difficulty about his going up the river, so far as the allies were concerned. At the same time I stated in my letter that Captain Crosby was not to receive on board any Paraguayans, either Lopez or any other. And I gave my reason to the Secretary of the Navy for giving this specific order to Captain Crosby. The following is an extract from that letter:

“I have given, as the department will perceive, distinct orders to Commander Crosby not to afford a passage to General Lopez, or to any Paraguayans. I should not have thought it necessary to do so under ordinary circumstances, as the usual hard common

sense of a navy officer would have pointed out to him the impropriety of such a course, but Mr. Washburn so earnestly urged upon me the advantage it would be to General Lopez to have one of our men-of-war convenient to bring him away from Paraguay, if he so desired, and seemed to think that it was such a good reason for giving him (Mr. W.) a vessel of war to go up to Asuncion, that I deemed it proper to make the order clear and unmistakable on that point."

That referred to my first orders to Commander Crosby. Those orders were modified afterwards, in relation to torpedoes, and a rise in the river.

By Mr. WASHBURN:

Q. What is the date of the letter modifying those instructions to Captain Crosby?—
A. It was dated October 21, and is as follows:

"UNITED STATES SOUTH ATLANTIC SQUADRON,
"FLAG-SHIP BROOKLYN, (2d rate,)
"Rio de Janeiro, October 21, 1866.

"SIR: In my instructions to you to proceed to Asuncion, on application in writing from Mr. Washburn, I did not allude to any difficulties you might meet with for want of water, nor from torpedoes or other obstructions in the river placed by Paraguayans.

"You will not proceed at all until you know the water is high enough to allow you to go up without inconvenience.

"If torpedoes or other difficulties offer, you will then land the minister at Curupaity by boats or at some convenient landing within the Paraguayan lines to which the allies will have no objection, or you may be obliged to avail yourself of the means which will be placed at your disposal to pass the minister through the allied lines to those of General Lopez.

"Respectfully,

"S. W. GODON,

"Rear-Admiral, Commanding South Atlantic Squadron.

"Commander PEIRCE CROSBY, U. S. N.,

"Commanding United States Steamer Shamokin."

I also sent that letter to the Secretary of the Navy. My object in writing that modification was simply because my former orders to him were peremptory, and I wished to allow him some discretion, as he would be responsible to a certain extent. I gave the order to Captain Crosby as far back as October 5, to go up the river when he was applied to by Mr. Washburn. I had written to Mr. Washburn that after he had made his appeal, or rather had sent the letter which the Secretary of State required him to send, and had received his answer to it, he would apply to Captain Crosby, who would carry him up the river. In the meantime, General Asboth had gone to Buenos Ayres, and was under instructions to demand from the officials there the permission for Mr. Washburn to pass, which permission, it seems, had never been asked for by Mr. Kirk, nor had Mr. Washburn applied to Mr. Kirk for it, although Mr. Kirk was the representative at the place where the authorities were who had the power to grant it. Still, I felt that I would not revoke my order to Captain Crosby, although Mr. Washburn had written to me that he would not make the demand upon the President. His letter is dated October 1. My order to Captain Crosby was sent October 5, under the conviction, that Mr. Washburn would apply for this permission, as he was directed to do by the Secretary of State, a copy of which instructions from the Secretary of State was in my possession when I received his letter of October 1.

Q. Had you revoked the order to Captain Crosby, would it have reached him in time?—A. It seems not; but I am stating facts, I do not care to state conjectures. I would rather not be interrupted unless it is in regard to facts. I do not know whether it would have reached him or not; I have not thought of this matter at all; it might or might not have reached him; it has no bearing upon my mind at all. I did not revoke the order from the fact that General Webb had written to me that permission had been granted from Brazil, which was the ruling power, and General Asboth had gone to Buenos Ayres to get permission granted or the hinderance removed; and I knew the permission would be given, or believed it would—I cannot say that I knew it. I believed permission would have come from the proper source, so that whether Mr. Washburn obeyed his portion of the instructions or not, I felt relieved in doing what I did; so the order continued in force. My letter to Mr. Washburn mentioned that I was officially informed by General Webb, our minister to Brazil, that permission had been granted for him to pass through the military lines of the allies into Paraguay; and that General Webb had so informed Mr. Washburn. I also wrote him that I had instructed Captain Crosby, of the Shamokin, to receive him and his family, on his requesting it in writing, and to convey him to his post. When I gave that order I knew I was going beyond my instructions. My instructions merely directed me to take Mr. Washburn up the river in case of a renewed refusal.

By Mr. SWANN:

Q. You acted upon the basis of General Webb's letter to you?—A. I acted upon the fact that General Webb had made this statement to me. I understood it was a settled fact so far as the military lines were concerned. My going beyond my instructions in taking Mr. Washburn up beyond the blockade as high as he could go was an act of my own for which I held myself responsible to the government. I thought it possible that the slightest difficulty occurring there would place me in a very uncomfortable position. But that contingency never arose; Mr. Washburn never was refused again. The reason I did so was this: Mr. Washburn had been there a very long time. I knew he had written to this government and complained of his detention. The letter of the Secretary of the Navy, giving me instructions under the circumstances, stated that the Secretary of State desired that Mr. Washburn should proceed to his post. I thought that, under all the circumstances, the difficulties and annoyances that he had had, if he undertook to pass the military lines there might be something done which might incommode him and his wife. Therefore I thought I would not expose him to that, but would take him up the river in a gunboat. That was the sole reason that governed me in going beyond my instructions. I supposed I could make this clear to my government, particularly as I had told the minister that the allies never did grant the permission to pass the blockade. Still I believed that the Brazilians were very friendly disposed, and I did not think they had the slightest feeling in the matter against Mr. Washburn. I have no doubt that they were anxious that he should not go up, as his proceeding to his post would give a moral support to the Paraguayans. But I said to the Brazilian minister of foreign affairs: "This thing has been prolonged so that I shall send a vessel up with Mr. Washburn." He said it might be a very serious matter, and insisted upon it that it would be a subject that might turn up very much against him. I said: "Well, I cannot help that; I think that the time must come when I shall do this." My interview at that time with the minister of foreign affairs was official and is on record at the State Department. Some little discussion took place in which the minister seemed to think I had perhaps used some stronger language than I ought to have done. He afterwards said to the French minister, and his statement was repeated to me by the French admiral, that the reason he yielded to me in the slightest degree was that I held a knife to his throat; those were his words. I never considered I had gone anything like so far as that. My letter will show the extent of what I did; that it was a plain conversation. After that letter had been written I went up to Rio and called upon General Webb. I had not seen General Webb; all the communication I had had with him was the official note which I got while I was writing. When I told General Webb what had transpired he was very much surprised, and said: "Why, I have not only written that, but I have instructions from the Secretary of State to ask of this government permission for Mr. Washburn to go through the military lines, and if they refuse it I have instructions to demand my passports in from six to eight days." He also said that Mr. Washburn had orders to return home; that General Asboth or Mr. Kirk, whoever was then minister at Buenos Ayres, was also required to ask for his passports. I saw at once that I had gone beyond my instructions in every way; because these gentlemen were all to be recalled, diplomatic relations were to cease with these people unless from some act of the allies the obstructions were removed. The whole question resolved itself into this; the moment Mr. Seward found that I was going up through and break the blockade if Mr. Washburn did not receive permission to go up, orders were immediately sent out, not to me, but to these gentlemen, to demand their passports and return home if permission was again refused.

By Mr. WASHBURN:

Q. Will you state the difference of time between those two dispatches?—A. I do not know anything about that; I was not in Rio when the dispatch was received.

Q. Were they not within 30 days of each other?—A. I have not the slightest idea; I do not know that I have ever seen them myself; I can refer only to that portion which is contained in Mr. Washburn's own letter.

By Mr. BANKS:

Q. What was the date of that letter and on what page of this document is it?—A. It is dated October 1, and commences page 18 of the document.

Mr. WASHBURN. The first is dated April 21; the next, June 27, about two months apart.

Admiral GODON. That is not the one to which I refer. His instructions also were to return to the United States if the hindrance alluded to had not been removed by some proceeding on the part of the allied powers. I found that if they had actually refused to pass him through the lines, and I had sent Mr. Washburn up in a vessel, I would not only have disobeyed my orders, but he would be disobeying his orders, and instead of returning home would go up to Paraguay. When this letter of Mr. Washburn was received by me the vessel had gone and the letter did not change my views in the slightest degree, although I saw that there was something like breakers ahead if things

went wrong. But I hoped for the best as I had acted for the best. I did not answer that letter, I simply acknowledged its receipt. General Webb was on board the flag-ship when that letter came. He was my guest; he had remained with me six or seven days; he came down just about the time the mail would arrive. I read this letter to him. There were some parts of it which made me very indignant; that part which stated that nothing had been done by the allies toward removing the obstructions and allowing Mr. Washburn to go up, made me very angry; because Mr. Webb had written officially to me that the Brazilian government had given orders for him to pass. General Webb felt that he had a right to be very much aggrieved; the Brazilian government was one of the allies and the important one. The statement was made again and again in the letter of Mr. Washburn that nothing had been done.

By Mr. WASHBURN:

Q. Had anything been done?—A. Mr. Webb stated to me officially that there had been; and I had sent a vessel up because I believed that something had been done. Nothing had passed between me and the government to that effect; but the chargé d'affaires had told me the same thing. I knew from conversations I had had with people there that they were willing to let Mr. Washburn go through the lines; and Mr. Webb had so informed me officially. If he had stated what was not true it was not my business. It was an official letter and I would have acted on it under any circumstances until it was shown to me that it was incorrect. You can judge better how to take letters from the general; but I had to take it for its face when it was marked official.

By Mr. ORTH:

Q. What was the next step?—A. As I state, Mr. Webb was on my flag-ship at the time I received this letter of Mr. Washburn which I read to him. General Webb wrote in my cabin a letter to Mr. Washburn. It was a very long letter. It was a very offensive letter. I mention it especially because Mr. Washburn has stated that I did not answer his letter, but allowed General Webb to answer it. God help the mark, at my time of life, with my education and my experience, and I will say with my vanity, that I should have got General Webb to answer a letter which I had received.

By Mr. WASHBURN:

Q. You say General Webb wrote the letter in your cabin?—A. It was written in my cabin, in my after-cabin, greatly to my annoyance. I did not care so much about the letter, but I did not want it written there. I earnestly asked General Webb not to send that letter. I told him that letter was addressed to me; it was my affair; I would write to the Navy Department; that I did not want to discuss it, but that I would attend to my matters. I am supposed to be considerably vain; so I am told. No man has ever written a letter for me, or at least not for a very long time. I am not in the habit of getting people to write letters for me. It is my habit to take that kind of responsibility upon myself, for I know what I have to say. I do not allow my secretary to write for me, except upon indifferent matters. There is no letter of the slightest consequence that is not written by myself. I should be very sorry to have it thought that I desired General Webb to write a letter for me, and especially to sign it for me. Even if I had got an amanuensis to do the writing of the letter I should have signed it myself. I did not want him to write the letter and did not desire him to do it. The letter is his, not mine. Anybody who will read the correspondence here, who will read my letters, and his, will see that there is nothing in that letter of my character.

By Mr. BANKS:

Q. That letter is one we have called for?—A. It is; these are matters of investigation.

By Mr. ORTH:

Q. Your testimony is that you did not authorize General Webb to write that letter?—A. Certainly I did not, by any means. I regretted the letter; I did not think it was a proper one, and I told him so. He told me the letter had to go. He said, "I write this letter because I am going to write to the Secretary of State, and this letter goes with it; we are obliged to send all our correspondence to the State Department."

Q. Will you please state such other facts as you desire to have stated?—A. There is one point to which I wish to call the attention of the committee, especially as Captain Crosby seems to have argued it all the way through in his testimony. After Captain Crosby had got through the blockade quietly, a certain distance above the allies, and Mr. Washburn had landed, and the proper ceremonies had been performed, Mr. Washburn went up to Asuncion, or Humaita, and an officer was sent to accompany him.

Q. That was Lieutenant Pendleton, was it not?—A. Yes, sir; he accompanied Mr. Washburn to Humaita. Captain Crosby then dropped down below the blockade, and anchored in the neighborhood of the Brazilian lines, leaving this officer in Paraguay. Now there had been a contention about passing the military lines. Admiral Tamandaré had been disobliged by our vessel going up through the blockade, to say the least of it; he had protested against it. Captain Crosby drops down with his vessel, leaving

an officer inside the Paraguayan lines. Here was a chance, when that officer was to return, for the same difficulty to occur about going through the blockade. When this matter came up, and I found that with all my care, trusting to the intelligence of the officer, he had placed matters just where it was possible some serious trouble might take place, that he had, without the knowledge of Admiral Tamandaré, left an officer in the Paraguayan lines. I saw at once that Captain Crosby had committed a grave error; that just exactly what I wanted to avoid had unfortunately taken place. I had not let Mr. Washburn go through the military lines lest some trouble might occur with regard to him, but had taken upon myself to send a vessel through the blockade in order to avoid annoyance. This officer who had been left was stopped when he undertook to return, just as I anticipated. Finally, Admiral Tamandaré very courteously did what was to be done; protested against this being done without his permission. I feared at first that there would be some difficulty.

Q. Still, Lieutenant Pendleton came back?—A. Yes, sir; but I allude to this to show that Captain Crosby did not do what I thought he should have done; it did not satisfy me, and I told him so. He had placed me in a situation that might have annoyed me very much. But after awhile, when I saw there was no trouble, that nothing had come from it, I read these papers more carefully; I had merely glanced over them before. And rather than complain of Captain Crosby; rather than show to the department that he had not acted with the intelligence which I had anticipated, I waived the entire subject, except to mention that Admiral Tamandaré had protested.

Q. Do you know for what purpose Lieutenant Pendleton was left behind?—A. I do not, except that he had gone up with Mr. Washburn in order to bring down some dispatches from him.

Q. Your instructions to Captain Crosby were to take Mr. Washburn up there, and then to return without unnecessary delay?—A. Certainly.

Q. Were you not informed that the object of leaving Lieutenant Pendleton was to enable Captain Crosby to return without unnecessary delay, and to enable the Lieutenant to bring down dispatches from Mr. Washburn?—A. I understand all that. Captain Crosby went beyond the lines, and instead of staying there, where he was out of the way of harm, went four, or five, or ten miles above the blockading squadron.

By Mr. WASHBURN:

Q. Do you assert that he was out of the way of harm; that he was not right between the lines, and exposed to fire from both sides?—A. I so state the fact. He could have gone higher up if necessary.

Q. He was told that the river was full of torpedoes higher up?—A. He could have gone a little higher up, out of the way of the Brazilians, instead of returning and leaving an officer there. It was not that he had left an officer with Mr. Washburn if he had staid there. It was that he had left the officer without informing Admiral Tamandaré that he had left him, and that the officer was to return through the lines, for which permission had to be obtained.

Q. Did he not announce that to Admiral Tamandaré immediately on his return?—A. I do not know anything about that.

Mr. WASHBURN. Well, he does.

Admiral GODOX. You are stating the evidence. Let us see if he does. Here is Admiral Tamandaré's letter on the subject:

"And if I did protest in the name of the government against the going up of the Shamokin, disregarding the friendly means that I proposed, it was foreseeing the consequence of this act.

"In these consequences, notwithstanding I could not foresee that an officer of the Shamokin (should or) might remain in Paraguayan territory without right for so doing nor permission equal to the one granted to Mr. Washburn and his family, the which constitutes an offense to the right which my nation and their allies have, of impeding the passage of any neutral agent to the enemy's territory, and anew (*de novo*) it compels me to protest against those who ordered that act, as I protest solemnly, and in this manner I reply to your above-mentioned note."

By Mr. ORTH:

Q. Do you doubt the complete right of the United States to have taken her minister up through that blockade; and having done so, do you doubt their right to permit one of their officers to remain in Paraguay, a nation with which we were on friendly terms?—A. I have stated in one of my letters that we had a perfect right to take our minister into Paraguay.

Q. And a perfect right to take him up through the blockade?—A. According to our naval ideas, I doubt very much the right to take a minister through a blockade when resisted.

Q. Still you had positive instructions from your government to do it?—A. I had, provided they did not grant permission.

Q. When those instructions reached you the passage had already been refused to Mr. Washburn, and the contingency alluded to by the State Department had arisen?—A. My orders were to take him up provided he had a renewed denial.

By Mr. WASHBURN:

Q. Where do you find that word "renewed" in the instructions?—A. We will see.

By Mr. ORTH:

Q. You seem to place some stress upon the protest of Admiral Tamandaré?—A. I mention it merely because Captain Crosby seemed to think that I had not approved his conduct; that I had not said at once that he had done very well. I thought he had not done very well; that was my opinion, and it is so still.

Q. Do you admit the perfect right of the United States to take their minister up through the blockade, and having gone through, to permit one or a dozen of their officers to remain there without the consent of their allies?—A. Then they could only come back the same way they went.

Q. If it was necessary for the officer to come back he could run the blockade?—A. Yes, sir; and if that had been done there would not have been any complaint.

Q. And then, if war had ensued, it was an act of our government and not of yours particularly?—A. We must construe our instructions in such a way as not to have war result, if we can do so by the exercise of a little intelligence.

Q. Were you not informed by Captain Crosby that he permitted Lieutenant Pendleton to remain there for the purpose of becoming bearer of dispatches from Mr. Washburn?—A. That was so.

Q. You did not doubt the complete right of our minister to send dispatches?—A. I did not.

Q. But you attach importance to the protest of Admiral Tamandaré?—A. I attach importance to Captain Crosby having done that which led to the protest.

Q. It was a legal right for him to do so?—A. I do not think it was a legal right for him to return from that place and leave an officer behind. I consider it a great indiscretion—I consider it so now—so long as he could have held the place there until Mr. Washburn could have written his dispatches.

Mr. WASHBURN. He could not have held it two hours.

Admiral GODON. I do not know anything about that.

Mr. WASHBURN. I do; I know.

Admiral GODON. As this is my evidence, I would like to have my own statement recorded. Captain Crosby held his place there for a time; I think he could have held it a little longer. Whether I was wrong as to the law or not, a thing had been done involving another protest, whether the protest was good or not. I was not satisfied; I am not now. But the matter did not result in anything; there were no consequences except this protest. I saw it was an amiable sort of thing; it was kindly done; it was evidently not a fierce affair; it was only a little grievance more. I was going beyond my orders.

By Mr. ORTH:

Q. In what way?—A. I was sending Mr. Washburn up through the blockade; positively beyond my orders. The contingency had not arrived when I was to send him up.

Q. You do not then regard the first refusal of the allies to permit him to go as giving you that right?—A. I could not.

Q. You had been informed of that refusal by Mr. Washburn; you knew he had been refused?—A. I had nothing but my own instructions to go upon.

Q. Were you not informed by Mr. Washburn that he had been refused permission to go up?—A. Yes, sir; but my orders were—

Q. You had that information from Mr. Washburn, had you not?—A. Yes, sir.

Mr. BANKS. The admiral seems to act upon this idea that the refusal was to be renewed before he acted.

Mr. ORTH. But instructions were sent from the Navy and State Departments here long before they were informed of any refusal. And when they reached Mr. Washburn the refusal had already occurred.

Mr. WILLARD. I understand the instructions were sent after the State Department had been informed of the refusal. The letter was dated April 29. That was in answer to the letter of Mr. Washburn informing the State Department that he could not go up.

The WITNESS. I will read from the letter of Secretary Welles of April 26, as follows:

"The hindering and delaying of Mr. Washburn on his return to Asuncion, of which you are doubtless fully advised, is considered an erroneous and unfriendly proceeding on the part of the allies at war with Paraguay; explanations from them are regarded as due to the United States, and they have accordingly been informed that if in future they should refuse to Mr. Washburn the facilities necessary for the promotion of his journey, an occasion will have occurred in which the dignity of his government must be consulted, so far as to furnish the minister the conveyance and convoy necessary, though possibly, at some cost and inconvenience. I am assured by the Secretary of State that you are in no danger of being misapprehended by him."

I had such orders that I was required to really know what I was about. I am distinctly informed in this letter that the delay is inconvenient, but that the President does not desire to consider it an unfriendly proceeding. I knew nothing of what Mr.

Washburn had said to the government of the United States, he never wrote one line to me. But he tells me that he had been refused a number of times. I knew that from Mr. Welles's instructions to me. But now Mr. Washburn is told exactly what to do, not to write a long letter, but simply and definitely what to do. And minute instructions are given to me. I read them, and as they were very plain and simple, I understood them perfectly. I look at the whole business this way, here are minute instructions. I do not know what Mr. Washburn has written to the State Department. His letters might have been diffuse and long. But here he was told to go and say so much, and that if they then refused we will break the blockade. Now I want no instructions more clear than that, and I will venture my reputation acting upon such instructions, because they are clear and safe. I am sorry to say that they are not such as are generally given to naval officers. We are generally left in great doubt. But here the instructions were definite and clear. I never any more dreamed that I would have to explain away this thing than I dreamed of anything else. A navy man is brought up to obey orders in a certain way, with a certain something in the matter of taking responsibilities; some take none, others take a little more, so we go on.

By Mr. BANKS:

Q. In your letter to Mr. Welles you quote certain words "in a certain contingency," what do you quote from?—A. From Secretary Welles's letter. It is on that account when the thing was done and had reached a certain point, and I had gone beyond my instructions, for I had applied to my government for it, it is upon that account that I press this thing.

By Mr. ORTH:

Q. That is a responsibility incident to public service?—A. Certainly. But Captain Crosby did not act upon his orders. Now, while he attributed a little feeling to me, I thought he had not acted intelligently. And when I had occasion to send up there again, I took good care to send the Wasp, Captain Kirkland. I was very cautious how I trusted him; there was no trouble with Captain Kirkland.

Q. You had no trouble about the other?—A. I had that protest, which was always upon my mind, until I sent it home, and knew what they were going to say there; that was all. I did not know what Mr. Seward or Mr. Welles might say. Mr. Washburn says in his letter to me dated Buenos Ayres, August 8, 1866, as follows:

"By the last mail from the United States, being then at Corrientes, I received a dispatch from the Secretary of State, in which he informs me that the President is very much surprised at the course of the allied commanders in detaining me, as it is a proceeding both discourteous and illegal. He also sent me a copy of a letter which the Hon. Gideon Welles, Secretary of the Navy, had addressed to you, in which you are instructed to furnish me with a war vessel and such convoy as might be necessary to take me to Paraguay. Copies of these two letters are inclosed herewith.

"I had already anticipated the instructions of the Secretary of State, and had requested of the commander-in-chief of the allied armies a passage through their military lines for myself and family. But it has been persistently refused, and I therefore request you to provide me with a war vessel and the necessary convoy, in accordance with the instructions of the government."

Mr. WASHBURN. Allow me to read an extract from my letter of October 1, 1868:

"I will add that after President Mitre had closed his correspondence with me and referred all further discussion in regard to my detention to his government and its allies, I had, on my return to this city, an interview with Señor Elizalde, the minister for foreign affairs, and verbally represented to him the view taken in the matter by our government, and I afterwards sent him a copy of my protest to President Mitre, accompanied by a brief note, saying that such protest was reasserted and reiterated. Señor Elizalde, in acknowledging the receipt of the note and the protest, said he would submit them to the allies of his government, since when I have received nothing, official or otherwise, from any of the allied authorities, so that you will see I have literally complied with the instructions of the Secretary of State in the dispatch before mentioned, as far as it was possible for me to do so."

The WITNESS. That was after Mr. Washburn had received my letter in which I said, "You have not complied with your instructions." I sent the gunboat on the 5th; I had not then received his letter. On the 8th he writes to me and tells me just what he has been repeating, and goes on, "I will add that after President Mitre had closed his correspondence with me and referred all further discussion in regard to my detention to his government and its allies, I had, on my return to this city"—that was after receiving these very instructions.

By Mr. WASHBURN:

Q. What instructions?—A. To make another demand. And then he first tells me he had complied with his instructions.

Q. Was I instructed to inform you how I had complied with my instructions?—A. No. After all this matter was gone through with, I sent all these papers home, and

then I received a letter from the Secretary of the Navy, in which he informs me that I was all right. His letter is as follows:

"NAVY DEPARTMENT,
"Washington, December 26, 1866.

"SIR: The Secretary of State has submitted to me for my information a copy of a correspondence which has lately taken place between Mr. Washburn and the Department of State on the subject of our position with regard to the war between the allied powers and Paraguay.

"Your course in regard to Mr. Washburn meets the approbation of this department, and your instructions to Commander Crosby not to receive and transport on the Shamokin President Lopez or any other Paraguayan were correct.

"I inclose a copy of the dispatch dated the 15th instant from the Secretary of State to Mr. Washburn.

"Very respectfully,

"G. WELLES,
"Secretary of the Navy.

"Rear-Admiral S. W. GODON,
"Commanding South Atlantic Squadron, Rio de Janeiro."

The following is the dispatch from the Secretary of State to Mr. Washburn:

"No. 59.]

"DEPARTMENT OF STATE,
"Washington, D. C., December 15, 1866.

"SIR: Your dispatch of the 22d of October, No. 74, has been received. Your determination to proceed to Asuncion in the manner therein mentioned is approved. The President sanctions the direction which was given by Admiral Godon to Commander Crosby of the Shamokin, not to convey or take on board any Paraguayan on his voyage to or from Asuncion. This government owes it to the belligerents, as well as to its own dignity, to abstain from everything which could be, or could even appear to be, a departure from neutrality in the unhappy contest which is going on between Paraguay and her allied enemies. You will be expected to conform your proceedings rigidly to the principle of non-interference.

"I am, sir, your obedient servant,

"WILLIAM H. SEWARD.

"CHARLES A. WASHBURN, Esq., &c., &c., &c., Asuncion."

I had written to Mr. Welles and asked him to give me his opinion as to whether I had acted properly.

By MR. BANKS:

Q. There is no question about the correctness of your instructions to Captain Crosby not to allow Paraguayan officers to go up or down. But the point is that you did not as early as you ought, and when you ought, make efforts to transport Mr. Washburn to his post. What is your reason for that? As I understand it your reason was that your orders directed you to act upon a certain contingency which had not occurred?—A. Yes, sir; that was my reason, and here is the letter which closed the correspondence that I had with the department on the whole subject:

"NAVY DEPARTMENT,
"Washington, February 1, 1867.

"SIR: Your No. 132, dated the 10th of December last, with its several inclosures, has been received.

"The department congratulates you on being finally relieved of the long, annoying trouble attending the passage of Mr. Washburn to his destination. Your proceedings, views, and course pursued, under circumstances trying in many respects, are approved throughout, and have been creditable to you and the service. Your dispatches have been submitted to the Secretary of State, to whom Mr. Washburn has frequently appealed, and that gentleman has sent to the department an approving and complimentary letter, a copy of which is herewith transmitted.

"Very respectfully,

"G. WELLES,
"Secretary of the Navy.

"Rear-Admiral GODON,
"Commanding South Atlantic Squadron, Rio Janeiro."

And this is the letter from Mr. Seward to Mr. Welles, a copy of which I received:

"DEPARTMENT OF STATE,
"Washington, January 28, 1867.

"SIR: I have the honor to acknowledge the receipt of your letter of the 25th instant, accompanied by dispatch No. 132, of the 10th of December last, from Rear-Admiral S.

W. Godon, commanding the South Atlantic squadron, upon the subject of the conveyance of Mr. Washburn, minister to Paraguay, in the United States steamer Shamokin.

"In compliance with your request for an expression of my views in regard to the course of Rear-Admiral Godon on the occasion referred to, I have the honor to state that, after a careful perusal of his dispatch and the accompanying papers, it seems to me that he executed the peculiarly delicate duty confided to him with firmness, prudence, and courtesy.

"The admiral's despatch is herewith returned.

"I have the honor to be, sir, your obedient servant,

"WILLIAM H. SEWARD.

"Hon. GIDEON WELLES,

"Secretary of the Navy.

And now I desire to say a word with reference to Minister Asboth. I would refer to his letter dated February 7, 1867; it is as follows:

"LEGATION OF THE UNITED STATES,

"Buenos Ayres, February 7, 1867.

"SIR: In obedience to instructions received from our government, I have addressed an official note to Señor Dr. Don Rufino de Elizalde, the Argentine minister for foreign affairs, relative to the good offices offered by the United States government toward the termination of the war which is waging between Paraguay on the one side, and Brazil, with the Argentine Republic and Uruguay, on the other; and as the government of the United States has no diplomatic representative near the government of the Uruguay republic, I beg herewith to inclose a duplicate of the note above alluded to, with the request that you may be pleased to hand it to the Uruguay minister for foreign affairs, for the information and friendly consideration of the Uruguay republic—a republic whose interests are regarded by the people and government of the United States with the same sisterly affection as those of the Argentine confederation.

"I have the honor to be, sir, very respectfully, your obedient servant.

"A. ASBOTH.

"Rear-Admiral S. W. GODON, U. S. N.

"Commanding South Atlantic Squadron."

As soon as I received this letter I took it for granted that it was all right. Mr. Asboth was accredited to the Argentine government. This was a communication to the minister of foreign affairs of the Uruguayan government. There was a little sensitiveness on the part of the Uruguayan government because we did not recognize General Flores as the President of Uruguay. I read the letter, and sent it to the government of Uruguay. I did not receive any answer to it, at which I felt a great deal annoyed, and was somewhat afraid that I had committed some indiscretion or other in sending it in that way. These offers of mediation to Brazil, Buenos Ayres, and Paraguay were sent through regularly accredited ministers. I let the government of Uruguay understand—I sent word, or made some remark on the subject so that the foreign minister should hear—that I didn't feel comfortable at this ignoring of my letter. Some time afterwards I was invited to the house of a gentleman, where I met the secretary of state of Uruguay, who expressed his regret at not having answered my communication. He stated that they were preparing a letter to Mr. Seward, from whom they had received direct these offers of mediation. I found that I had been doing that which Mr. Seward had done himself. Soon afterwards I received a letter from Mr. Asboth, asking me to send a vessel to Paraguay with dispatches from the government, in which vessel he was to go. I read my letter to the Navy Department on that subject:

"No. 159.

"SOUTH ATLANTIC SQUADRON,

"UNITED STATES FLAG-SHIP BROOKLYN, (2d rate,)

"Harbor of Montevideo, Uruguay, February 28, 1867.

"SIR: On the 12th instant I received a letter from General Asboth, our minister to Buenos Ayres, inclosing a copy of the communication he had been directed by the Secretary of State to address to the Argentine government, and requesting me to forward it to Mr. Flangini, the minister for foreign affairs, for the information of this government.

"The matter seemed a delicate one, but presuming that General Asboth had some direct instructions on the subject from Mr. Seward, I sent the document as desired, with a letter from myself to Mr. Flangini.

"The receipt of that letter with its inclosure has not yet been officially acknowledged, but I have been informed by the minister for foreign affairs that he would reply to my communication, inclosing me a copy of his proposed answer to Mr. Seward, with whom he was in direct communication, on the same subject.

"I confess I felt some embarrassment upon making this discovery, but was glad to

learn that my letter inclosing the document from General Asboth had been received with pleasure.

"On the 18th I received another communication from General Asboth, asking for a man-of-war to be placed more or less at his disposal in order to send dispatches to Mr. Washburn, and to permit him (General A.) to proceed up the river for the purpose of holding a personal conference with Mr. Washburn.

"I at once went to Buenos Ayres and had an interview with General Asboth. He had received no instructions from our government on the subject, and I was not able to see any good result to be attained by placing him in Paraguay.

"I felt that whatever influence he might have with the Argentine government would be materially lessened by his making a visit at this time to the enemy's country.

"I have offered, however, to send a vessel up the river to the headquarters of the allied armies, with a bearer of dispatches from General Asboth to Mr. Washburn. These dispatches had not arrived from Washington at the time General Asboth received his instructions upon the subject of the proposed mediation of the United States.

"This arrangement will not be objectionable to the allies, but I believe Mr. Asboth's visit would be looked upon unfavorably.

"I am hourly expecting the mail from the United States, and should I receive nothing by it to alter my determination I will send the Wasp up the river to-morrow.

"During my stay of three days in Buenos Ayres, I found that the friendly offers made by our government to the belligerents for the settlement of this unfortunate war occupied the public mind quite as much as it does here, although it is difficult to know what direction things will take.

"Peace is greatly desired by the people, if not by the government authorities.

"I am, sir, very respectfully, your obedient servant,

"S. W. GODON,

Rear-Admiral, Commanding South Atlantic Squadron.

"Hon. GIDEON WELLES,

Secretary of the Navy, Washington, D. C."

I went up to Buenos Ayres immediately upon the receipt of General Asboth's letter and there I saw him. I told him that, while I would send a vessel with the dispatches I did not wish him to go up in it, that I did not wish to take him out of his jurisdiction into an enemy's country. We had a long conversation upon the subject; he did not seem to think it was wrong to go. To be sure, he was going beyond his jurisdiction, as he admitted, but still he did not think that was wrong.

By Mr. ORTH:

Q. He was going under direction of the resolution of Congress in regard to mediation?—A. He was going, as he said, to confer with Mr. Washburn.

Q. Under instructions based upon that resolution?—A. There were no instructions, he told me. Mr. Asboth had no instructions whatever from the government to go to Paraguay; he was very frank in saying so; that his instructions were to present the resolutions of Congress to the Argentine government. We differed, but we differed amicably, as far as that was concerned. I left with the distinct understanding that I would send a vessel as soon as I could. I asked him whom he would like to send as bearer of dispatches; he said he did not care. I told him I preferred that an officer should go rather than a civilian. He said that was a matter of indifference. I selected Captain Kirkland to go and take the dispatches. I then wrote to the department on the subject as follows:

"No. 163.]

"SOUTH ATLANTIC SQUADRON,

"UNITED STATES FLAG-SHIP BROOKLYN, (2d rate,)

"Harbor of Montevideo, March 9, 1867.

"SIR: In my letter No. 159, dated February 28, I informed the department that I had received a communication from General Asboth, (a copy of which, No. 1, is herewith inclosed,) asking for a vessel to be placed at his disposal in order to proceed up the river for the purpose of holding a personal conference with Mr. Washburn.

"I replied to the general's letter by stating that I would send the Wasp with an officer of the squadron as bearer of dispatches from the government, as well as any he might have to transmit, but I did not answer his communication in detail.

"On the 1st instant, I sent the above-named vessel, with such instructions to her commanding officer, Lieutenant Commander Kirkland, as will cover the object in view. A copy of these orders, No. 2, I herewith inclose.

"As I have not complied with the request of a public minister, and the general (as appears in his letter to me) has informed the State Department that he was about to make the application above referred to, I deem it proper to acquaint the department with my reasons for declining.

"The friendly offers of mediation made by the United States to the allies were placed by our government in the distinct form of propositions which were to be presented to

Brazil, the Argentine Republic, and Paraguay, by the various ministers accredited to those respective governments. They were also sent, it seems, in due form to the Republic of Uruguay by Mr. Seward himself, as we have no minister near this provisional government.

"I could see no object to be gained by sending our minister at the Argentine Republic to Paraguay, and I knew the suspicious character of these riparian state governments well enough to feel assured that such a mission would be injurious to any hope of good results from our offer of mediation.

"Another reason which influenced me in my action was the feeling I had that I might be called upon with equal propriety by our minister at Rio to take him to Buenos Ayres, or after General Asboth had finished his visit to Paraguay, the resident minister at Asuncion might find that he wanted to confer with General Webb, at Rio, and would also need a man-of-war for the purpose; neither of which requests could be graciously refused, if the precedent were established in the case of General Asboth.

"When General Asboth asked to be taken to Paraguay to confer with Mr. Washburn, he had not even received a reply to the propositions made by the United States to the Argentine government.

"Each state can, of course, decline or accept the offers of our government, and if Paraguay and the allies reject them, I cannot conceive that our minister can do more than simply transmit such rejection to Washington.

"The moment General Asboth should have left his official post, his rights and protection as minister would have ended, and he would have been liable to annoyances which, in his position, might have seemed like indignities. I therefore thought it far better to send an officer from the squadron to bear the dispatches, if the matter was reduced to that, simply.

"These are some of the reasons that induced me not to permit the Wasp to take General Asboth to Paraguay, as he desired.

"It is never pleasant to decline co-operation with our diplomatic agents, but I feel that my own judgment should govern me when it is at variance with that of any other public officer.

"My intercourse with General Asboth has always been very pleasant, and if we have disagreed on this point, the difference has in no way altered our friendly relations.

"I am, sir, very respectfully, your obedient servant,

"S. W. GODON,

Rear-Admiral, Commanding South Atlantic Squadron.

"Hon. GIDEON WELLES,

Secretary of the Navy, Washington, D. C."

By Mr. BANKS:

Q. Did you ever have any conversation with the Brazilian minister in regard to General Asboth visiting that government?—A. Before this?

Q. Yes, sir.—A. I mentioned in a previous letter that I had called upon the Brazilian minister. When I was talking with General Asboth on this subject I said to him that I had not seen the minister, and did not know anything about him. When I decided that under my ideas of propriety Mr. Asboth could not go, I said to him, "General, I wish you would see the Brazilian minister, and mention to him that this vessel is going up with dispatches; and I think they will render us all the assistance we can possibly want." General Asboth said he had never met the minister. I said, "He is here, I know, and I will go around and see him, and tell him of these dispatches being sent up; but you had better do it yourself, and also tell the Argentine government here that we are going, and they may send something up; at all events, it will be pleasant to have them understand it." He asked me to see the Brazilian minister. I intended to have gone anyhow. I saw the minister and told him that I was going to send up a vessel with dispatches. He said at once, "Why, admiral, we will send up your dispatches." I answered that we wanted them to go up at once, and that there had been some delays in these matters. He seemed rather to prefer that the vessel should not go up, and urged that I should not send it. I said that I had made up my mind to send the vessel.

Q. Had you any conversation with him about General Asboth's going up?—A. No, sir; I do not remember that that subject came up at all. The conversation which took place with General Asboth took place in his dining room; there were two or three persons present—his secretary, who was an Englishman, and some other persons; I had no conversation on the subject. He knew perfectly well before I went up there what I thought about it. It possibly may have been mentioned that he was going up, but I have no recollection of any conversation of that kind taking place. I wanted to make a pleasant impression upon his mind in regard to the vessel going up, in order that he might assist me in what I was going to do. General Mitre had been withdrawn from the command of the allies, and a Brazilian was in command there. He assured me that he would be very happy at all times to take any of these dispatches. I said I was very much obliged and should "avail myself of your offers in the future." The vessel was sent up. The following is a copy of the order I gave to Captain Kirkland:

"UNITED STATES SOUTH ATLANTIC SQUADRON,
"Flag-ship Brooklyn, Harbor of Montevideo, March 1, 1867.

"SIR: Proceed with the Wasp under your command to Buenos Ayres.

"You will at once inform our minister, General Asboth, of your arrival there, and hand him the inclosed letter. General Asboth will place in your charge dispatches for the Hon. Charles A. Washburn, our resident minister at Asuncion, in Paraguay.

"Having received these dispatches, you will at once make the best of your way up the Parana to Tuyuti, the present headquarters of the allied armies. There, or at any other point named to you by the commander of the blockading squadron, you will communicate with the commanding general of the allies, acquainting him with your mission, and requesting him to give you, as bearer of dispatches from the government of the United States to its minister in Paraguay, a free passage and a proper escort through his lines.

"On reaching Mr. Washburn you will deliver to him the dispatches intrusted to you, and inform him that you will remain a reasonable time to receive any communication that he may have to send to our government or to General Asboth. It would be well to keep always in mind that the presence of a neutral vessel of war is never agreeable to belligerents in the midst of active war operations, and your good sense must be exercised in remaining beyond what might be considered a reasonable time to obtain any return communications.

"Impress upon the commander of the allied armies in the field that it is my wish and orders that you remain the shortest possible time at Tuyuti; and at all events, before leaving, obtain from him assurances that he will forward any dispatches to our minister at Buenos Ayres, brought from Mr. W. by flag of truce, as early as possible.

"I need hardly say to you how important it is that you should observe the most rigid neutrality in all your acts and movements. Receive no one on board going or returning.

"I wish you would call on Mr. Brito, the ambassador of the Emperor of Brazil, and offer your services to take up anything he has to send to General Caxias. This you had better do through General Asboth.

"Duties such as you are about to perform are always delicate, and require prudence. It is because I have this confidence in you that I send your vessel.

"I wish you a pleasant time, and hope to see you back soon.

"Respectfully,

"S. W. GODON,

"Rear-Admiral, Commanding South Atlantic Squadron.

"Lieut. Com. W. A. KIRKLAND, U. S. N.,

"Commanding United States Steamer Wasp."

Q. In General Asboth's letter dated March 23, he says that on the 2d of March he wrote to Minister Elizalde for a safe-conduct for Lieutenant Commander Kirkland to go up to Paraguay, and that on the 8th instant he received it. Then he says: "I at once informed Lieutenant Commander Kirkland of this result, but as it was my original intention, besides the exchange of official dispatches with Mr. Washburn, to have also a personal interview with him, and as neither of the three letters received from you contained any direct answer touching this my desire, I deemed it proper to request Commander Kirkland to inform me whether his special instructions from you were in any way conflicting with my intention to meet Mr. Washburn in person. Commander Kirkland in his reply, received on the 9th instant, stated that 'his instructions only require him to carry dispatches.'" Why did you not communicate with General Asboth by letter?—A. I had seen him and told him what I would do.

Q. He says your letters did not give him any direct answer.—A. I do not know anything about that. It seems that I did not answer him in a letter, but I distinctly informed him that he was not to go in the vessel.

Q. In a letter of Mr. Washburn to Mr. Seward, dated March 12, 1867, he writes as follows: "One of my first inquiries of the Marquis de Caxias was for news from the United States, as I had had nothing later than October. But I learned that nothing for me had been sent here since December. The marquis told me, however, that he had received a letter from Buenos Ayres saying that General Asboth had made an effort to communicate with me, and had proposed to come up the river on a man-of-war, but that they, (the authors of the letter,) after a confidential understanding with Admiral Godon, had so arranged it that he was not to come, but instead of him an ensign from the squadron was to be sent. I will make no comment on these confidential interviews of the admiral."—A. That is not true; there was no confidential interview with him at all, it was a plain statement of facts, and everybody knew that Mr. Asboth was not going up, that I had told him so on my first interview with him. On landing I went straight to General Asboth and told him distinctly that I could not take him up, and gave him my reasons. And I will state here one of the reasons I gave him at the time; I had seen nobody about it. I went up, I think, the day after I received his letter and told him positively that he was not to go. We had a great deal of conversation upon the matter, and he seemed to think that he would like to go; he said he thought he could do a great

deal of good. I said, "General, I know about these things, I think, as well as you; I know of no conference that ever took place between accredited ministers to foreign countries on subjects which belonged to belligerents, except one, and that was the conference of Ostend, and we know perfectly well what was the result of that. Mr. Buchanan, Mr. Soulé, and Mr. Mason were found in the ranks of our enemies when the rebellion took place." That was the reply I made to him when he urged me to let him go up. Now conferences between ministers are subjects that I do not want to meddle with.

Q. Do you suppose if a minister in London wanted to consult with our minister in Paris, a naval officer would have the right to refuse any accommodation to them for that purpose? Is a naval officer responsible for that?—A. As I was to take the responsibility of sending Mr. Asboth out of his jurisdiction in a man-of-war, I considered that I had the right to judge something of the matter.

Q. In the letter of Mr. Washburn from which I have just read, reference is made to confidential interviews which you had with officers out there and a confidential understanding. You say there was no confidential understanding?—A. None at all. I saw General Asboth and settled that matter.

Q. It is not with General Asboth, but with other parties that this confidential understanding was supposed to have been had?—A. I saw General Asboth on that day and proposed to him to see Mr. Brito, the Brazilian minister. After settling with Mr. Asboth that he was not to go, I went to see Mr. Brito not only with the knowledge of General Asboth, but at his request. In that conversation I told him I was going to send the Wasp.

Q. That is not an answer to the question. On the 23d of March General Asboth says that he had had three letters from you and had received no answer to his request; then, that he asked Commander Kirkland, who replied that his instructions only required him to carry dispatches. On the 12th of March Mr. Washburn writes to Mr. Seward that the Marquis de Caxias had told him that you had had confidential interviews with him on that subject?—A. That is not true; it is false in every respect. I never had a confidential communication with Mr. Brito that I know of.

Q. Or any other person?—A. I mean anybody or any person.

Q. General Webb says in a letter to Mr. Seward dated August 24, 1866: "The conversation terminated in his placing in my hands the inclosed letter, marked B, which is as follows:

'Private.]

'RIO DE JANEIRO, August 21, 1866.

'MY DEAR GENERAL: I am sorry to see by your letter of yesterday that you are still unwell, and hope that you may soon recover.

'With regard to Mr. Washburn's case, I must inform you that interviews which took place between Admiral Godon, Mr. Lidgerwood, Mr. Saraiva, and myself, were expressly understood to be entirely private and confidential.'"

A. I am referring to a year afterwards.

Q. General Asboth at the close of his letter of March 23, 1867, writes as follows: "In conclusion, I beg leave to inform you that my report to the State Department, relative to the above subject, was concluded as follows: 'Although I feel well assured that the admiral is actuated, as I am, by the same sincere desire to promote the best interests of our government, nevertheless I deem it proper, while submitting without further comment our conflicting views to your decision, to request at the same time that you may be pleased to define, for my future guidance, the reciprocal duties and obligations incumbent on ministers resident and admirals abroad under similar circumstances.'"—Did you understand that this extract which he sent to you was sent for the purpose of informing you that you did not understand your business?—A. I understood it exactly as I stated, that General Asboth had informed me first that he had written to the department and had sent me that extract, which was about the same as telling me that I did not know my business.

Q. Would you under any circumstances have made that reply to General Asboth that the information was sent to you for the purpose of informing you that in his opinion you did not know your business?—A. I did not make that reply.

Q. Would you have made it under any circumstances?—A. After the conversation had taken place in which I had said to him that I knew my own responsibilities and that he had his responsibilities, I considered his sending me that extract without sending me the whole letter was simply equivalent to letting me know that at all events he had no confidence whatever in my understanding my position there. He came out to the country on the Sunday after I told him he could not go and urged me again. He said, "Admiral, I will take all the responsibility." I said to him, "General, do you wish me to understand that your making this request implies some order, something that I must do?" "No," he said, he did not mean that. "Then," said I, "where is the relief from responsibility on my part? If you lay the matter before me and I am to judge of it, then you cannot relieve my responsibility in the matter. If there is anything in the request that conveys an order to me, then I must do it and my responsibility is relieved."

Q. What was the business of a fleet there in time of peace?—A. To protect our commerce, to render assistance to our merchants, to aid our ministers, and to do all that possibly could be done in every way where our judgment led us to suppose anything could be done.

Q. Here the minister makes a specific request to you which you refuse or decline?—A. I declined to do it positively, and I gave my reasons.

Q. Those reasons do not appear in this correspondence?—A. I did not write them. I told him what my reason was.

Q. It appears from these documents that Mr. Asboth had received three letters from you in which there was no allusion to his request; that he obtained an answer from your subordinate officer?—A. No, sir; he got it from me in a very emphatic manner; that was when he first asked it. He wrote to me and I immediately went up without delay and told him in the most emphatic manner that he could not go. And I wrote to the government here that I had refused this request of Mr. Asboth.

Q. Does it not require some explanation that the Marquis de Caxias should have said on the 12th of March that this arrangement by which General Asboth was refused a passage up the river, and an ensign from the squadron sent in his place, should have been known to the people there; and that on the 23d of March, eleven days after, General Asboth should write to you saying that he had never heard from you upon this subject?—A. No, sir; because on the 28th of February I had seen Mr. Asboth and had declined to let him go. I at once went to Buenos Ayres and had an interview with General Asboth. It was well known in March that he was not to go; there was no doubt at all in General Asboth's mind upon that subject; it was known everywhere. I did not send an ensign. I asked Mr. Asboth whom he wanted me to send, and said that I would be afraid to send a civilian. He said, send anybody. I sent Captain Kirkland, not an ensign.

Q. Mr. Asboth says he received information of your determination from Lieutenant Commander Kirkland?—A. I told him exactly what I would do. I told him distinctly this, "I will send the Wasp up, and Captain Kirkland, who speaks the language, will bear the dispatches." The matter was settled some time in February; I do not know what day. But there is certainly a letter written in Buenos Ayres, and why it is not here among these documents I do not know. It is a letter to General Asboth, in which I told him positively that I would not write on Sunday, but gave him to understand that I would send the Wasp and a bearer of dispatches.

Q. Do you regard that as important?—A. No, sir; not at all; only as saying that there was a letter. It is of no importance beyond the fact that the letter was sent, and that he understood my views distinctly that he was not to go. After that I saw the Brazilian minister and told him that I was going to send a vessel.

Q. You would make it appear that you were under no obligation to him as a foreign minister?—A. I said distinctly, "It is never pleasant to decline co-operation with our diplomatic agents; but I feel that my own judgment should govern me when it is at variance with that of any other public officer."

Q. That confirms the idea. You write to the Navy Department, you had no connection with any other department of the government and are under no obligation to accommodate any officer of the government, even in that distant part of the world?—A. I do not say that.

Q. I know you do not say that.—A. I say that where our judgments are at variance, we are both to act on our individual responsibilities. If I believe what he wants me to do is not a proper thing for me to do I will act entirely on my own responsibility; and I am as liable to censure for the failure of my judgment in that respect as in any other.

Q. It does not matter to us whether your action is approved or disapproved by the government; what we want to know is that you were right.—A. What I say is this: If the request of the minister conveyed to me information of a fact upon which I was authorized to act, I must act upon it. If there was no minister there, and I obtained information of that fact, I would act upon it just the same; if there is a minister there, I do not think it relieved me from the responsibility.

Q. That is, you were under no obligation to consider the request of a minister any more than of any other citizen of the United States?—A. His official position would always have certain influence with me.

Q. Very slight, apparently.—A. Not at all; supposing the minister was a man in whose judgment I had confidence. Now, if Mr. Adams, or any man like him, should, as a minister, make a request of me, I should probably act upon it; but, unfortunately, all our ministers are not like Mr. Adams.

Q. You say that you would do the same for any other person that you would for him?—A. I would act upon a credible fact that came to my knowledge, whether from a minister or any other person; anything that I could really believe was right I would do. A minister can have his interest and his biases, and I hope I do not say anything disrespectful when I say that a minister may err in judgment. I am responsible for

anything that I take upon the judgment of a minister; I would hold myself in no manner relieved from responsibility because the matter had come from a minister.

Q. What we want to know is as regards the other departments of the government?—A. If such a man as Mr. Adams were to put a question of this kind before me I should be very doubtful as to going contrary to his opinion. If Mr. Seward was a minister there, I should be very cautious in differing with him, or with any one in whom I had confidence as to his judgment of what I was going to undertake. I think it is about what we do in all responsible positions. I consider that my responsibilities are very serious. I have a great deal of confidence in my own judgment, after I have deliberated upon a question, and where I was to be entirely responsible for my own acts I would rather trust to my judgement. This matter has been before the department; I wrote to them and stated that I considered that I was responsible myself for my action in that case.

Q. And the department approved your action?—A. More than that; Mr. Seward wrote a letter of instructions on the subject.

Q. Is that letter here?—A. I do not find it.

Q. It would be very strange if the Secretary of State instructed a minister that he had no right to call on a naval officer for assistance.—A. Here is a letter of Secretary Welles, in which reference is made to that letter, and from that you may get some idea:

“NAVY DEPARTMENT,
“Washington, May 25, 1867.

“SIR: Your dispatches 170 and 174, under date of April 1st and April 4th, respectively, have been received, with the copies of the correspondence with Minister Asboth. The course pursued by you in declining to furnish that gentleman a passage on the Wasp, to visit Mr. Washburn, is entirely approved. His request to the Secretary of State, of which he furnished you a copy, to be informed as to the reciprocal duties and obligations incumbent on ministers resident and admirals abroad, has been complied with, and he informed that while it is important that the civil and naval representatives of the government abroad should cultivate and maintain social and friendly relations, and that they mutually aid and assist each other in all matters which relate to the interest of the government, neither has authority to control or direct the other. He and other ministers receive their orders from the Secretary of State, while the naval officers derive theirs from the Secretary of the Navy.

“This letter of the Secretary of State will doubtless correct certain erroneous opinions which appear to have prevailed among some of the officials within the limits of the South Atlantic squadron who have labored under the impression that naval officers are subject to their orders and that naval vessels are to be used for their convenience.

“The department embraces the occasion to express its gratification with the courtesy and intelligence, as well as firmness, you have exhibited in the management and disposition of these singular but mistaken demands upon you.

“Very respectfully,

“GIDEON WELLES,
“Secretary of the Navy.

“Rear-Admiral S. W. GODON,
“Commanding South Atlantic Squadron.”

Q. General Asboth declined to give you any order?—A. Certainly; he said he would take the responsibility. But if a minister cannot give me an order I must take the responsibility on my own shoulders.

Q. I will read you what Mr. Seward says in reply to General Asboth's inquiry: “I think proper, therefore, to say on this occasion that, in regard to so distant a theater as that in which the Paraguayan war is carried on, it is not possible for the government of the United States to foresee distinctly at any time the future course of military and political events, and so to anticipate possible emergencies. For these reasons it is inconvenient to give specific instructions for the government of either its political representatives or its naval agents in regard to merely possible contingencies. Powers concerning political questions, as distinguished from naval affairs, are intrusted to the care of the ministers of the United States, and the President's instructions are communicated by this department. Responsibilities of a peculiar character are devolved upon the commander of the squadron, and the President's instructions are conveyed through the Navy Department. It seldom happens that political and naval instructions, which may bear upon such mere contingencies, are in fact or practically can be harmonized between the two departments, each of which generally holds under survey a peculiar and limited field and knows of no special occasion to look beyond that field. If in any case it is foreseen that co-operation between a minister and a naval commander would be practicable and useful, that co-operation is distinctly commanded by the President. If, however, it is not foreseen that such co-operation would be practicable and necessary, or useful, the agent of each class is necessarily left to proceed according to his own discretion, within the range of the general instructions he has received from the department under which he is employed. It is expected that,

in the absence of instructions, the agents of the two classes, if practicable, will confer together and agree in any unforeseen emergencies which may arise, and in regard to which no specific instructions for the common direction of both may have been given by the President."—A. Will you please read a little further on in that letter.

Mr. BANKS read as follows:

"There is no subordination of the minister to the commander of a squadron and no subordination of the commander of a squadron to a minister. It is always unfortunate that agents of the two classes are not able to agree upon a course to be adopted in an unforeseen emergency. But that inconvenience is less than the inconveniences which must result from giving authority to a minister in one state to control the proceedings of a fleet, of whose condition he is not necessarily well informed, and whose prescribed services are required to be performed, not only in the vicinity of the minister, but also in distant fields over which he has no supervision. Nor would it be more expedient to give a general authority to the commanding officer of a squadron to control or supersede the proceedings of political representatives of the United States in the several states which he might have occasion to visit.

"You have no special instructions from this department to seek or hold an interview with the minister at Paraguay. Such a proceeding would have been exceptional, and Admiral Godon seems to have regarded it in that light. Your effort, however, is regarded as judicious and is approved as an exceptional proceeding, not within the customary range of your diplomatic duties, but altogether outside of that range. On the other hand, the President sees no reason to doubt that Admiral Godon's proceeding, in declining to favor such a personal interview, was loyal and patriotic; nor does he perceive any reason for thinking it injudicious or unwise on his part, before deciding upon that matter, to confer with the Brazilian agents at Buenos Ayres."

The WITNESS. No, I did not confer with them. That letter was written to General Asboth and Mr. Washburn because they had reported these things.

Q. I will read on; the letter proceeds as follows:

"It is not every sinister misconstruction of a public officer's proceedings that is to be received and entertained by the government. It is even now impossible, with all the information of which the government is possessed, to determine which party—yourself or the admiral—practiced the wisest and soundest discretion in the matter referred to. Meantime the emergency has passed, and the question has become an abstraction.

"While, therefore, your own proceedings are approved, those of Admiral Godon are not disapproved. In all such cases it is eminently desirable that mutual confidence shall be maintained between the ministers and the naval authorities, that they co-operate where they can agree, and that they suffer no difference of honest and loyal judgment to produce alienation.

"I have now to inform you that, without any reference to the subject which I have thus considered, Rear-Admiral Charles H. Davis has been heretofore ordered to sail from Boston in the *Guerriere*, to relieve Rear-Admiral Godon in command of the South Atlantic squadron. The *Guerriere* is expected to sail on the 1st of June, or within a few days thereafter, and the transfer of flags will be made at Rio early in July. Rear-Admiral Godon will return to the United States in the *Brooklyn*, his present flag-ship.

"I am, sir, your obedient servant,

"WILLIAM H. SEWARD.

"ALEXANDER ASBOTH, Esq., &c., &c., &c."

Now, in a question arising in South America, concerning political matters and distinguished entirely from naval affairs, the political matters being intrusted entirely to ministers, and the President's instructions being conveyed to them through the Department of State, you considered yourself authorized to pass judgment upon those political matters?—A. No, sir.

Q. This was a political matter and you declined to act as the minister desired, and because you did not think it wise for him to go?—A. Because he was to go in a man-of-war.

Q. You did not think it proper to assist him?—A. The only thing I wished was, not to take a minister from the government to which he was accredited and place him in another country where he might find himself in great difficulties and where I could not offer him any protection. I would have to take the responsibility on myself of sending him up there in a man-of-war without any authority. Of course he could go as he pleased; I had no influence upon that. But the government dispatches were things which were to be carried, and I would do all that I could to have them carried. And I thought those people there would be pleased by my going to see the Brazilian minister; and as this thing might be occurring often I went to him and offered to carry up his dispatches, as I might have to ask the same thing of him some time. I do not think they are generally sent that way; I never sent them so at any other time. It is to be remarked in this connection that there was a great deal of excitement there. Those people were indignant at some things. Mr. Asboth was considered as pressing the resolutions of Congress very much. Instead of taking the answer of the governments he persisted in urging it, and I know that eventually they became offended. I saw a letter of the minister in which he said that he considered their sovereignty had

been interfered with by his urging this thing beyond the bounds of propriety. Therefore, while I had my own notions and my own ideas, the moment the matter came fairly before me and I was to act, I followed my own judgment in the matter.

Q. You did not decide upon it as a naval question, but as a political question?—A. No, sir.

Q. You say in your letter "I felt that whatever influence he might have with the Argentine government would be materially lessened by his making a visit at this time to the enemy's country?"—A. That is one of my reasons.

Q. You were deciding political questions?—A. No, sir; I cannot control the way I think.

Q. But you were thinking there in the line of the State Department?—A. I thought for the best interests of the service whether naval or otherwise. As naval officers, educated in a certain way with our minds turned in a certain direction, we must, of course, form our own opinions, and they will at times be at variance with others.

Q. This is the only reason you have given that his influence with the Argentine government would be lessened by his making a visit to the enemy's country. And you say "this arrangement"—that is, sending a bearer of dispatches—"this arrangement will not be objectionable to the allies, but I believe Mr. Asboth's visit would be looked upon unfavorably?"—A. Yes, sir.

Q. Does not that confirm the letter of Mr. Washburn of the 4th of March?—A. I told Mr. Asboth that the moment I saw him; that I believed it would be looked upon with suspicion, and that when he came back his *exequatur* would be granted.

Q. That was purely political?—A. Well, I had to send a vessel.

Q. In this report to the Secretary of the Navy you did not make any allusion to its effect upon the squadron, but your reason was wholly political. And Mr. Welles says that he expects political questions will be decided by the ministers?—A. They are pretty well mixed sometimes.

Mr. WILLARD. As I understand it the Secretary says that he finds no fault with the conduct of Admiral Godon.

The WITNESS. You are reasoning this as lawyers. I am a naval officer and proud to be one. I reason this as a naval man educated in his profession.

By Mr. BANKS:

Q. That is what we complain of. If you had said this, the squadron cannot be put to this use, or it is not safe for a vessel to go there, or had given any reason pertaining to the naval situation, that would have been right. But here you went into the line of the State Department.—A. I was not writing this to the State Department but to the Navy Department. Here is a passage in Mr. Seward's letter which I trust you will not overlook in judging of my views of the matter; he writes to Mr. Asboth, "you had no special instructions from this department to seek or hold an interview with the minister at Paraguay."

Q. That is understood.—A. Then if he had no instructions to do that, and was going beyond his instructions, and I was to aid him in going beyond those instructions, then I was to reason upon the matter also. Mr. Seward says "such a proceeding would have been exceptional, and Admiral Godon seems to have regarded it in that light." Now how was the minister to go beyond his instructions? He was to do so by calling upon another man to put him in a vessel of war and to send him into another jurisdiction. Now I was to be responsible altogether for any trouble that might arise in consequence of that.

Q. That is what we complain of, that the Navy Department assumes to be the government, and declines to grant aid to any other department of the government in doing anything?—A. They will if no trouble results from it. There is another part of Mr. Seward's letter to which I would call the attention of the committee. Referring to this very matter of Brazilian agents, he states distinctly "it is not every sinister misconception of a public officer's proceedings that is to be received and entertained by the government." That was in connection with this very observation which was thrown out at random, and where I think a great injustice was done me by both ministers. Mr. Asboth should have informed me of that part of his communication. And when he did not inform me of that, but simply sent me a little note that he had asked what my instructions were and what our positions were, I thought he was taking a very quiet diplomatic but unmistakable way of telling me that I did not know much about what my business was. That is the only unkind passage between Mr. Asboth and myself.

By Mr. ORTH:

Q. Is there any further statement which you desire to make?—A. There is a passage in a letter from General Webb, where he was pleased to drag me in. Here is a letter from the minister of foreign affairs to General Webb, when they were urging the second time a passage of the Wasp up through the line. It seems they had offered to let him go through the military lines, the same offer that had been made before, but they objected to a vessel being sent up to take him down, because it would break the blockade, and he makes this remark:

"Those reasonable means, which would have reconciled, in a most dignified and

effective manner, the rights of the allies with the wishes of both Messrs. Washburn and Kirkland, were rejected by those gentlemen, who continue to insist in exacting a permission offensive to the sovereign rights of the said allies.

"One of the least of the inconveniences which would happen through satisfying the request of Lieutenant Kirkland and Mr. Washburn would evidently be the nullification of the whole of the blockade established in Paraguay by the allies, who would be laying themselves open to the reception of similar exactions from any other nation which might, under any pretext, demand a like privilege for its ships.

"So true is this, and so worthy of consideration in view of the consequences, on the part of friendly powers, that Admiral Godon himself, in 1866, when the passage of Mr. Washburn to Paraguay was in treaty, was the first to admit, merely begging in his request for the permitting of the passage up the river to Asuncion of the said Minister Washburn, that it should be done in any way which would harmonize with the dignity of the United States and have been most convenient to Brazil and its allies; further desiring that Mr. Washburn might be helped forward to his destination either by land or by water without placing any obstacle in his way."

By Mr. BANKS :

Q. That is undoubtedly a reason for them?—A. Yes, sir, and a very good one. It is the law that one vessel going up through a blockade would break the blockade, as it would give a reason for all vessels to go up.

Q. What I speak about is a naval officer settling these matters.—A. That has no relation to this subject now; I merely quote this passage where he said I had admitted that such was the case. Mr. Webb afterwards writes to Mr. Souza as follows :

"Your excellency next quotes Rear-Admiral Godon, then commanding the United States South Atlantic squadron, as fully justifying the action of the allies in 1868. So correct is this, says your excellency, 'that Admiral Godon himself, in 1866, when the passage of Mr. Washburn to Paraguay was in treaty, was the first to admit it, merely begging in his request the passage of Mr. Washburn, and that he might be helped forward to his destination *either by land or by water*, without placing any obstacle in his way. This is just what the Marquis de Caxias desired to effect in the present instance, had he not been denied the option.'

"It is no news to the undersigned that in 1866 Admiral Godon, having quarrelled with the three United States ministers, in the river Plate—General Asboth, Mr. Washburn, and Governor Kirk—and with the consuls of the United States at Buenos Ayres and Montevideo, instead of simply obeying orders and furnishing the United States vessel, which Mr. Washburn was authorized to demand, to take him to Asuncion, did all in his power to prevent Mr. Washburn's having such conveyance, and on one occasion actually went *north* from this port instead of *south*, apparently to avoid receiving the contemplated application."

Now, it is not true that I had quarrelled with three United States ministers, and the consuls of the United States were my friends. I said that it should be done in a way that should harmonize with the dignity of the United States, and be most convenient to the Brazilian government and its allies.

Q. It is perfectly just for those people to maintain that blockade. But the question comes whether you are to decide whether any matter proposed by the ministers of this government will affect that blockade. They give your authority for it.—A. The reason was this—

Q. It is not a naval question.—A. Allow me to give the direction to what I wish to say. When, in 1866, I saw Admiral Tamandaré, it was an admitted fact that the blockade was established. I had no objection to it; I could not resist it.

By Mr. WASHBURN :

Q. Who admitted it?—A. I did.

Q. Did the other officers admit it?—A. I know I did.

By Mr. BANKS :

Q. It was only a question whether the ministers should pass.—A. That was not the question then. The blockade was established, and of course I saw it was established; therefore I could not take a minister through without authority. But what I want to get at is, that Mr. Webb misquotes this to the minister of foreign affairs, and then turns around and abuses me most offensively in a letter to a foreign minister, and that letter is published in this correspondence. That is what I want to refer to. I said that it should be done in a way which should harmonize with the dignity of the United States, and be most convenient to the Brazilians and their allies. That was the doctrine I held. I said, "I will break the blockade if you do not go through the military lines; and now you shall choose between the two, and I will act so as to harmonize with the dignity of the United States." Mr. Webb throws out the whole of that and says:

"But it is news to him that the then commanding officer of the United States squadron in this station should have permitted his feelings of hostility to Mr. Washburn to render him so forgetful of his duty to his country as to indorse and justify and advise

the Brazilian government in its assumption that it might safely, and with great propriety, refuse to permit one of our national vessels to pass its lines with our minister on board, provided the minister 'was helped forward to his destination, either by *land* or by *water*, without placing any obstacles in his way.'

This is the American envoy extraordinary to Brazil writing to the minister of foreign affairs of Brazil, and misquoting the passage, entirely emasculating it from the strong point that it was for the dignity of the United States. This is an American minister speaking of an American admiral. I refer to this because these matters are before the committee. In connection with that very matter I would like to read a letter from Mr. Seward to General Webb on that very subject. I do not see it published here, but I have a copy of the letter.

So that while an American minister was writing in that way to a foreign minister about an American admiral, he knew that the conduct of that admiral had been approved. And Mr. Webb himself, six months after the correspondence took place, approved the action that I took. But here, in 1868, when it suits his convenience, he goes out of the way and misquotes a passage in order to drag me into the controversy.

WASHINGTON, D. C., *April 16, 1869.*

Examination of Rear-Admiral S. W. GODON continued.

By Mr. ORTH:

Question. Proceed with your statements if you please.—Answer. I have read some of this correspondence for the first time since it was printed, and new matters present themselves to my mind as I read it. Here is a passage in a letter dated October 1, 1866, from Mr. Washburn to me. I had up to that time never received any letter informing me in any way what had taken place. This letter was in reply to one that I had written; but gives nothing but an extract from the letter of President Mitre. If I had had the whole of President Mitre's letter, I could have judged of the matter. In this letter Mr. Washburn says: "I will add that after President Mitre had closed his correspondence with me, and referred all further discussion in regard to my detention to his government and its allies—" that was just precisely what President Mitre had to do; to write to his government, if he was the President he would not have had to do that. While he is called President Mitre he is literally the commander-in-chief of the allies.

Q. The Vice-President was discharging the civil duties?—A. Yes, sir; and President Mitre was never addressed as the government.

Q. Hence any correspondence with him would be purely military?—A. Purely military, which character of correspondence I had a right to hold with him. I had no right to hold correspondence with the President. If the whole of that correspondence had been placed before me in my naval capacity, I would then have been obliged to write to General Mitre and tell him that this thing is so and so; I had no right in a military line, as I have said. But I never was referred to at all in the capacity of a naval commander where I could have used what General Banks seemed to limit my authority to—my naval judgment, and not diplomatic.

Q. Are there any additional facts you desire to lay before the committee?—A. No, sir; I think not; I do not call to mind any now. There are a great many that I could mention, but I do not think they are important.

Mr. ORTH. Mr. Washburn desires to propound some question to you.

Mr. WASHBURN. I wish to state something in regard to the distinction which the admiral has made between the military lines and the blockade.

Mr. ORTH. You state that as testimony?

Mr. WASHBURN. Yes, sir. I never understood, I never heard anybody suggest, either while I was at headquarters with President Mitre, or at Buenos Ayres conferring with the different ministers, Argentine or Brazilian, that there was any difference between the military lines and the blockade. I find by referring to the correspondence that neither General Webb nor the Brazilian minister made any such distinction, as far as I have been able to see. I read this extract from the letter of the Brazilian secretary of foreign affairs:

"It is true that I asked Admiral Godon whether he was going to send a steamer and his instructions to the river Plate immediately. On his asking the reason of my inquiring it, I said frankly, and of course in a private and confidential way, that it might be convenient that the Brazilian government's instructions should reach their agents before any step was taken in the river Plate to effect Mr. Washburn's passage across the blockade."

Then General Webb in his letter to me says:

"LEGATION OF THE UNITED STATES,

Rio de Janeiro, August 22, 1866.

"Sir: I have the honor to inform you that instructions have been issued by the Brazilian government to their representatives in the river Plate and its vicinity, withdraw.

ing all obstructions to your passing their line of blockade to your post of duty, whenever it shall be your pleasure to repair thereto. A simple protest against your passing through the blockading fleet will be made, but of that you need not take any notice.

"Very respectfully, your obedient servant,

"J. WATSON WEBB.

"His Excellency CHARLES A. WASHBURN,
"United States Minister Resident to Paraguay."

Then General Webb, in his letter to the secretary of foreign affairs and counsellor to his imperial majesty, uses the following language:

"The dispatch referred to offers in defense of an act so unfriendly to the United States, and so utterly at variance with a well understood principle of international law, a letter addressed by the President of the Argentine Republic to the United States minister to Paraguay, in which he peremptorily refuses to permit the United States minister to pass the blockade of the Paraguay river established by Brazil and the republics of Uruguay and the Argentine, in their war with Paraguay."

Also the following I read from the same letter:

"Under the circumstances and in pursuance of his instructions in such a contingency, the undersigned renews, in the most formal and urgent manner of which he is capable, his demand for an explanation of Mr. Washburn's treatment by the agents and representatives of Brazil in the river Plate and its vicinity; and also, he is instructed definitively to inquire, and to insist upon an early answer to the inquiry, whether it is or is not the intention of Brazil to persist in refusing Mr. Washburn permission to pass the blockading squadron of the allies near the mouth of the Paraguay."

It never occurred to me that it made any difference whether I passed through the blockade or through the lines held by the army. I do not suppose our government had any thought upon the matter, or that it mattered in the least, if I only got through comfortably, and they showed such respect as was due to a minister, they did not care whether I went by land or through the blockade. I understood that blockading the river was essential to establish a military line; General Banks being a military man, could of course tell that technically better than I can.

General BANKS. It is the same precisely.

Mr. WASHBURN. But the admiral seems to have made a great distinction between the two.

Admiral GODON. Allow me to read some of this letter, for I think it explains the subject referred to. It is the letter dated July 2, 1866, from Mr. Lidgerwood to Mr. Seward. It shows that the government did see it precisely in the light I did:

"I desired to learn if reference to Mr. Washburn had been made since the allied forces moved forward across the Parana river, as I understood that thereafter all objections to Mr. Washburn's passing the lines would then be removed. He replied, 'None that he was aware of;' and also expressed the desire to avoid the approach to any unpleasantness of feeling, remarking that diplomatic questions, often easy of satisfactory arrangement, were frequently made difficult by the improper manner in which they were presented, and in this case much depended upon how it was presented there, (meaning the river Plate.) I replied that as yet the subject could not have been presented there, and that to prevent and anticipate an official presentation, with the kindest intentions, and with frankness, acting with the concurrence and advice of the admiral, who participates in my feelings, and to whom instructions had been sent by our government on the subject, and feeling confident that I would be met in the same spirit, I had called to see the minister, and now requested that he should be made acquainted with the position of the case, and that he should appoint an hour when he would be pleased to confer with the admiral and myself upon the subject.

"He answered that he would have a reply sent to me at my residence; then, apparently remembering something, he withdrew, as he said, to examine a document which, when brought by him, was marked on the inclosing wrapper 'June 8; receipt only to be acknowledged, not answered, in cabinet.' He said it was private correspondence to the minister, Saraiva, accompanying which were copies of letters from Viscount Tamandaré (commanding the Brazilian squadron) and from President Mitre to Mr. Washburn. The latter I requested to be read. The subjects of same were the reasons why it is at present (April) not advisable for Mr. Washburn to go through the lines; sympathy for the great republic, &c. He said he would inclose the papers to Minister Saraiva for his examination at once, and that Conselheiro Saraiva had, unfortunately, allowed them to be overlooked upon his table. At 8 in the evening I received a note from the minister appointing 11 a. m. of the ensuing day, at his residence, for an interview.

"I immediately dispatched a messenger to the flag-ship to the admiral to that effect. On the 29th the admiral and myself were received by the minister of foreign affairs, Conselheiro Saraiva, at the appointed time and place.

"I informed him that the order for the special salute at Bahia had finally been received, the delay having been caused by its having been sent to Valparaiso through

error; to which Conselheiro Saraiva replied, that as the United States had recognized the violation of their rights, as committed in the harbor of Bahia, and had agreed to the restitution of the Florida, (which by a casualty was rendered impossible,) also to the punishment of the offending commander, a fact which the Brazilian government had dispensed with, not desiring the punishment of individuals, therefore the government had felt it necessary to insist that the only remaining act of settlement agreed upon should be performed, in order to justify itself before the nation.

"The admiral replied that he, personally, did not consider the mere burning of powder or saluting of much importance, and especially as he had fired several salutes at Bahia, still, as a matter between nations, it was different, and he had therefore written for instructions on the subject, which, though miscarried in the first instance, he had now received, and then inquired if any communication had been received from Señor Octaviano concerning the United States minister to Paraguay, Mr. Washburn, and was answered only unofficially, when the admiral stated that Señor Octaviano had desired an interview with him, which took place, and at which he, the admiral, informed him that he considered the blockade at Corrientes, being in the Argentine Confederation, one of the allied powers, as of no effect, but that if in waters conquered from Paraguay it would be a proper blockade."

MR. WASHBURN. Who said so?

Admiral GODON. I said so. It was on the subject of the blockade at Corrientes, which I did not admit until after it was retaken by the Brazilians.

MR. WASHBURN. Was it not retaken from the Brazilians at the time I asked you to send me up?

Admiral GODON. Yes, sir; and therefore I did not admit it was a blockade. However, this is an incidental remark. I read further from this letter:

"He, however, also added that the refusal by the allied forces to permit the American minister to Paraguay to pass their lines, although they might have the right, would still be considered by the government of the United States as an act neither friendly nor amiable, and that this conversation should have been placed before the Brazilian government by Señor Octaviano, and desired to know if he had done so. Conselheiro Saraiva replied that it had *not* been. The admiral, continuing, said that without entering upon the question of the rights of the allies to prevent the passage of a minister of a friendly power to his place of duty in Paraguay, still, the United States government had also the right to send their representative to a nation with whom they are on terms of friendship, and asked the Conselheiro Saraiva if that was not *his* opinion; he bowed assent. The admiral stated further that he had received orders from his government to send a vessel, if necessary, to convey the American minister to Paraguay to his place of destination, and that he would do so; but that, to avoid a clash of conflicting views which might arise therefrom, with all frankness and with sentiments of friendship he desired that the allies should give immediate orders that a safe-conduct through their lines should be given to Mr. Washburn, and desired the minister to give an answer at once."

By MR. WASHBURN:

Q. I want to ask you if you are not aware that a safe-conduct through their lines into Paraguay was hardly possible except by the river?—A. If you landed at the pass La Patria which was below the blockade.

Q. Below the blockade?—A. Well, wherever the blockade was; if they allowed you to land. And the question was whether General Mitre would allow you to go through the military lines, for if he did not I said I would take you up myself. I read from the letter again:

"He said it would be impossible to give an answer on that point without previously consulting his colleagues, but that it should be given before the sailing of the steamer to the river Plate on the 4th instant.

"The object of our visit, to prevent any misunderstanding, was appreciated by the minister, and the earnest and straightforward remarks made by the admiral received his serious and anxious attention."

Mr. Seward had no doubt about this, because in reply to this very letter Mr. Seward says:

"SIR: I have to acknowledge the receipt of dispatch No. 12 of Mr. Linderwood, of the 2d of July. It contains an account of certain conversations which took place between himself, joined with acting Rear-Admiral Godon, and the Brazilian minister for foreign affairs, on the subject of the obstruction, by the allies, of the passage of the United States minister (Mr. Washburn) to Paraguay.

"The conversation which has thus been reported to this department as maintained, on the part of the United States, in those interviews, by Mr. Linderwood and the admiral, is approved by the President.

"We wait with serious interest for information of the decision of the Brazilian government upon the subject discussed."

Necessarily so, for if they did not give way through the lines I had but the alterna-

tive under my orders to take him through the blockade. I talk of military lines only as lines over which I had no control; and of the blockade as of the only place where I could act. My letter to the Secretary of the Navy says that if Mr. Washburn did not go through the military lines I would take him through the blockade. After that letter was received Mr. Seward wrote to General Webb, minister at Brazil, Mr. Washburn, minister to Paraguay, and Mr. Kirk, minister at Buenos Ayres, that if the obstructions did not cease they were to return to the United States. Now, what was to be done? I had gone too far; I had ordered the vessel to go up. My orders to go up the river were plain; that was a thing I could do. If the allies did not give a permit to go through the lines I was to take him up through the blockade.

Mr. WASHBURN. I had no more doubt about the matter then than I have now; but if I got through the lines by the river it was the same thing to the government as though I had got through by land.

Admiral GODON. So it was; but the question was not that; it was who could take you up, war or no war; it was a matter of great consequence to me.

Mr. WASHBURN. If I am giving my testimony I will proceed. I wish to state over again perhaps a little more fully in regard to my situation there at the time at Corrientes, when I received these instructions, and to call attention to the amount of correspondence and the repeated efforts I had made to get through the lines by land. Here will be found three letters from me to President Mitre before I made my final protest; I do not know but there were more. I went to see him at three different times; he always had some excuse for not giving me a definite answer. One time he must consult his government; at another time the circumstances were changed and he must consult his government again. But he held out the idea that I should be allowed to pass through. He kept me in that very disagreeable place for five months, and only when I made a very strong protest against his duplicity and against his acting in that matter did I get a refusal. I could not go below, for I might expect an answer any day giving me permission to go, and I did not want it said that if I had waited a day longer it would have avoided difficulty. I therefore remained until I got these instructions. I also got the same day, if I recollect aright, the letter from President Mitre closing up the correspondence on his part, saying he must remit it to his government. Therefore I considered it would be not only useless but much worse than useless for me to write another letter to him; for if I had after he had written that letter I was commenting upon, I should receive a renewed denial, and then the case would be very much complicated. Therefore I did not write to him, but as soon as I could get ready I returned to Buenos Ayres again. After I got to Buenos Ayres I went to see the minister of foreign affairs with the secretary, who talked Spanish better than I did, and made the interview official. In that interview I stated the whole circumstances of the case. In fact it was notorious and it was published in the papers, that Admiral Godon had received orders to send me through the blockade. I wish to state here that it was published and known in Buenos Ayres before I came down the river, and they could not by any possibility have got this information from me. I state this from the fact that I understood certain officers were censured for having given this information. I do not know anything about that; I stated the circumstances fully to Minister Elizalde and spoke of my instructions that I must go through. We had a great deal of talk about it, but as I was not the accredited minister there, it was not for me to hold official communication with him if I could possibly avoid it. I, therefore, did not write to him any more than I could possibly help. There is one brief letter in answer to his, I think; I do not know that there is any letter. But I was all the time expecting General Asboth. I had been expecting him for months before to take Mr. Kirk's place as minister. I felt it was not my duty to do anything of my own accord to bring this to a crisis until General Asboth had come. But I had presented all these matters officially to the foreign minister in a former official interview. And, as I said in my letter to Admiral Godon, I had this interview and fully complied literally or nearly so with my instructions.

Admiral GODON. When did you write that letter?

Mr. WASHBURN. October 1st.

Admiral Godon. In the meantime the Shamokin had received orders to go up.

Mr. WASHBURN. But I wish to say this, that I had complied almost if not quite literally with my instructions. I did not inform Admiral Godon before I wrote this letter asking for a gunboat of what I had done. I supposed Mr. Seward had sufficient confidence in me that what I did would be accepted by the admiral, and that I had acted in conformity with my duty. I had received no instructions to tell him how I performed my duty. I considered that I was the interpreter of my own instructions, and that when I had done what I considered necessary, and called upon the admiral for a gunboat, he would send it. I confess I was never more surprised than when I received his letter in which he undertook to tell me what I ought to do, and to say that he should not send a gunboat until I did so. However, he did send a gunboat before I did any more than I had done at that time. I do not know but what that concludes what I have to say in regard to the matter.

Questions by Admiral GODON addressed to Mr. CHARLES A. WASHBURN:

Q. I desire to ask this question. You have alluded to these instructions having been published; the instructions that I had received having been published at Buenos Ayres and Montevideo?—A. The substance of them, or that orders had come out to you.

Q. There was an article in the newspapers?—A. I think so.

Q. The heading was "War with the Argentine government;" do you recollect that?—A. No, I do not.

Q. "War with the Argentine government; Mr. Washburn's instruction to demand gunboats to take him up the Paraguay; Admiral Godon has been ordered to take him up to Paraguay." There was a long article with the instructions in them, not the entirety of them but the substance, of such a character so nearly alike that they corresponded with them to a certain extent.—A. I heard before I left Corrientes, or I saw something I think what the admiral says, that orders had come out that I must be put through the blockade. But that information could not have come from me.

Q. You had seen this in the papers before you got your letter from the Secretary of State?—A. It was then or a few days after; there was no time to communicate with Buenos Ayres, and if there had been I did not communicate because it was impossible. But when I got to Buenos Ayres afterwards and the thing was talked about, I conversed with several people in regard to the subsequent instructions about returning home. And an individual whom I do not care to name, got the substance of what those instructions were and gave it to the Standard.

Q. From whom did he get those instructions?—A. From me.

Q. The other instructions which came about the same time, he did not get from you?—A. He did not.

Q. Why not mention the name of the person?—A. I do not choose to mention it.

Admiral GODON. It might be important for me to know. Mr. Washburn says I found fault with officers for giving this information, and now he refuses to give the name of the person to whom he himself gave the information; however, I do not insist upon it.

Mr. WASHBURN. I will give it if the committee desire it. I do not know that the individual would like to have his name brought in; it does not matter as I see.

Admiral GODON. I do not insist upon it.

Mr. WASHBURN. I had then, as it seemed to me, complied in every respect with my duty, but I must wait for General Asboth. I stated in a letter to Mr. Seward, dated October 3, 1866, "Nothing has yet been heard here of the new minister, Mr. Asboth; should he arrive after my departure his position will be even less enviable than mine, and he may think it incumbent on himself not to present his credentials till further instructed by you." I thought it was my duty to remain there and not return home until General Asboth should arrive. General Asboth arrived; I had before his arrival received this letter from Admiral Godon stating that he had ordered the Shamokin to take me up. I had known all the while that if I had been backed up by the least semblance of authority the allies would make no objection; that they never would stop an American gunboat; I knew it as early as the November or December before; that if a gunboat had been put at my disposal, no serious obstruction would have been interposed to my going up. They might have made a protest; I did not think they would have done that even. But a protest would have been of no more importance then than it was a year afterwards. I was fully persuaded that I could have gone there nearly a year earlier than I did without creating any talk, and without causing one-half the humiliation to the allies themselves. I had no desire to create any ill-feeling anywhere; I only wanted to get to my post where the government had sent me. That I made all the efforts possible, I think this correspondence will show.

Q. I desire to ask another question. A letter was written to you by General Webb, which has been called for. Was not that letter in its entire spirit founded simply on the fact that your instructions had been published; that it was complicating the business very much; that it was exciting feelings there that made it dangerous, and that you had distinctly disclaimed having received any intimation from him, official or otherwise, that obstructions to you going through the lines had been removed?—A. Not in such quite strong terms. The letter will be here and will speak for itself.

Q. Is not that the substance of the letter?—A. Not according to my recollection.

Q. Did he not intimate in the letter that you had had those instructions published, and that he intended to report the matter to the State Department?—A. I have called for the letter. Whatever General Webb said in that letter I replied to fully, and met every charge satisfactorily to my mind. Although I have seen a great deal of General Webb since, and think that I owe my life to him, I said some things in my reply which I would rather have omitted, because I was a little annoyed by some things which he said. Admiral Godon seems to be quite indignant that it should be imputed to him that the general had answered a letter for him. I think that after General Webb got my letter and got my explanation, and knew the whole circumstances of the case, he was about as ashamed of it as Admiral Godon was. This brings me to another matter. This

notice which I have read here, that General Webb sent to me that he had been promised by the Brazilian government that the obstruction should be withdrawn, that letter I attach no importance to whatever; that is, I did not believe the Brazilians would do what they promised General Webb they would do. I knew how they had deceived me. I was perfectly well aware that if I had gone up to the lines again with no more assurance that I should be again detained, and that they would ask me to wait until they could again consult their government. They were fighting all the while for time to delay me without coming to an open rupture. And as they had delayed me already five months I did not intend they should fool me any more. Therefore I paid no attention to that. I proceeded on the hypothesis that they might have done it or might not. It was not to govern my action. And General Webb said that the terms were, "to withdraw obstructions to passing through the blockade." When we got up on the Shamokin Admiral Tamandaré told me that he had received no orders whatever, and that he must stop us. I will state a little more in detail the circumstances of our arriving there, as it seemed quite important. We reached the confluence of the Paraguay and the Parana rivers about 4 or 5 o'clock in the afternoon, I thought; no, it was later, it was nearly sunset. We were immediately boarded by an officer commanding the lower vessel of the blockading squadron. This officer, as I understood it, came to inquire what we were there for, and what we wanted; Captain Crosby had told him that he had come with instructions to take the American minister through to Paraguay. The officer said it could not be done—that the orders were to stop everybody. Captain Crosby said his orders would go through. Then the officers in command of this Brazilian gunboat said that if Captain Crosby wanted to send any communication to the admiral he would give him a gunboat to go up to the admiral, who, I think, was some 25 miles higher up the river. Captain Crosby said he did wish to send a letter to the admiral, advising him officially of what he came for. I think it was about 9 o'clock in the evening that the gunboat started off with the letter of Captain Crosby and an officer to take it, this same Lieutenant Pendleton. About 3 o'clock in the morning he returned and came on board the Shamokin. I got up and went into the cabin, with Captain Crosby, and Lieutenant Pendleton made his report. He said he had seen the admiral, who told him that his orders were to stop anybody and everybody; that he had received no counter-instructions, nothing referring to me or to the Shamokin. It seemed, then, that there would be some difficulty. Captain Crosby had orders from Admiral Godon to go through the blockade. The Brazilian admiral had orders to stop anybody and everybody from going through. Therefore somebody must back out or there would be a collision. But the Brazilian admiral said he would come aboard the next morning and see me and Captain Crosby. I would be glad to have the admiral's attention to what I am saying.

Admiral GODON. I know the whole of it; it is all in the documents.

Mr. WASHBURN. The Brazilian admiral came aboard, and seemed to be very nervous and very excited, and said he could not let us go through. We had the interview in the cabin of the Shamokin; the admiral said his orders were positive and peremptory. In the meantime Captain Crosby had also sent off a letter which he requested to have delivered to President Mitre in regard to the same matter. Before we left we got an answer indorsing or approving whatever had been, or might be, done in regard to our passage through the blockade, which, it would appear, he understood to be a part of the military lines, from his being consulted in the matter. Admiral Tamandaré said that he was placed in a very embarrassing position; he didn't wish to stop the Shamokin, as it might seem to be an act of discourtesy to the United States; and he could not allow it to go through because he had strict orders to stop everybody. He said, however, that, to avoid this difficulty, he would give me a Brazilian steamer to take me and my family and effects through the lines up into the lines of President Lopez. I told him it was too late for that; when I had come before, six or eight months ago, I had proposed to President Mitre and to the admiral on his flag-ship that I would go through any way, alone, leaving my family behind me—any way to get to my post; that I would go on horseback or in a whale-boat; but that now the circumstances were different; that I had been obliged to refer the matter to my government, and that they had sent out orders for me to be taken through; that a gunboat had arrived for that purpose; that a great deal of talk had been created by this delay, and that the dignity of the United States required that the gunboat should go through. Captain Crosby spoke up and said that he had orders to take me to Paraguay, and that he should do it unless stopped by force. Up to that time we did not know whether there was to be a fight or not. I did not presume to counsel Captain Crosby as to what he should do; but as he had such orders I supposed from the signs—the guns being all loaded—that there was to be a fight if Admiral Tamandaré did not back down. The admiral then said: "We cannot afford to go to war with the United States at this time; we must allow the boat to go through rather than to resort to force, and I shall only make a protest against it." The reply of us both was, substantially, that he might protest; that that would not stop us. I then told him that I wanted to send a letter to President Lopez through his lines. After this thing was arranged he was very polite and said that he would do anything to make it agreeable to us—send us fresh beef or anything we might

require; he said he would send an officer from the Shamokin through his blockade with my letter to President Lopez. I prepared my letter and sent it by an officer. I do not know just where he landed, but I think he landed within the army lines of the Brazilians and went through; I had asked Lopez to send a pilot to meet the Shamokin at the point above where the Brazilian pilot which Tamandaré had offered us to take us up through his squadron would leave us, as he could not be familiar with the torpedoes and other obstructions in the river. I received a letter from President Lopez, which is here published, in which he said he would send the pilot, as requested; and it was arranged where his pilot was to come on board, and where the Brazilian pilot was to leave, the Shamokin. It was, I think, 1 or 2 o'clock in the afternoon of the second or third day after we arrived there before everything was arranged. Then we got ready and started up the river with the Brazilian pilot. We passed right alongside the flagship of Admiral Tamandaré, and he had his band of music out and honored us with a salute as we passed by; the flags were dipped on every vessel that we passed, I believe. We got up above the Brazilian squadron to a certain point, when the Paraguayan pilot came aboard and the Brazilian pilot left. We had heard a great deal about the torpedoes there. I must state one other thing; the last thing before we started the same officer who had come on board when we first arrived said that it was expected that we would make no delay longer than was absolutely necessary between the two lines, as they would not engage to suspend their fire more than a few hours, in order that we might not expose ourselves, or impede their warlike operations. They were not aware at that time, however, but what we were going through to Humaita, or perhaps to Asuncion. I did not advise them that we would be obliged to land at Curupaity by reason of the obstructions in the river. We passed on with the Paraguayan pilot; he took us a tortuous way under the guns of Curupaity, and there we effected our landing. I wish to state this, as it seems to be somewhat important as bearing on the testimony of the admiral yesterday. The Brazilians would only give us a very short time to lie in that position, as the officer told us; I think the sun was an hour high when we got up there; I had taken up considerable baggage and quite a large quantity of provisions. It was getting so late that the officers hurried everything in order to get us off as soon as possible, so that no pretext could be afforded the Brazilians to complain that their warlike operations had been defeated; we were got ashore as soon as possible; our baggage was landed, a salute fired, and then the gunboat got out of the way; the officer in command of the gunboat was obliged to do that before dark so that the Brazilians could not complain of his having violated the understanding which they had made. But yesterday, the admiral in his testimony complained that Captain Crosby had not put himself out of the line of fire, which it was impossible for him to do without exposing his vessel to be blown up by the torpedoes. It was necessary for me to write back to my government that I had got there safely. When I found that there was to be no time for the Shamokin to remain there, I asked Captain Crosby to leave an officer with me to carry down my report. He left Lieutenant Pendleton and immediately dropped down the river himself. I should have taken it very hard and complained seriously to the government of Captain Crosby if he had not left that officer; Captain Crosby returned immediately and wrote a letter to Admiral Tamandaré, stating that he had left this officer. Yet, on yesterday, the admiral said that he knew nothing about this, although it is published in this correspondence. I would like to ask Captain Crosby, if I may be permitted to do so, whether on the occasion of the protest of Admiral Tamandaré he made a full report to our admiral of his action on that occasion.

Captain CROSBY. Yes, sir.

Mr. WASHBURN. Has that report of yours ever been published?

Captain CROSBY. I have never seen it in print.

Mr. WASHBURN. Do you know that it was ever forwarded to the department?

Captain CROSBY. I do not know.

Admiral GODON. I wrote, under date of December 10, 1866, to Secretary Welles a letter, from which I read the following:

"Commander Crosby informed the admiral that nothing but force would prevent the execution of his orders, and the Shamokin was allowed to proceed, under protest, to Curupaity, beyond the line of the blockade, from where, after the preliminaries of saluting the Paraguayan flag, &c., &c., a letter was sent to President Lopez.

"I inclose a copy of his reply, No. 7, together with copies of correspondence between Commander Crosby and Admiral Tamandaré, numbered 1 to 6, inclusive."

By Mr. ORTH:

Q. Does that include the report of Captain Crosby to you?

Admiral GODON. I do not know. As I never reported Captain Crosby to the department, I suppose that neither his report nor the other matters were sent to the department. I state in this letter, after what I have just read, as follows:

"As the obstructions in the river rendered it dangerous for the vessel to proceed beyond Curupaity, Mr. Washburn was landed there, and then Commander Crosby immediately withdrew from the lines of the belligerents to the Tres Bocas, where he

awaited the return of the officer who had accompanied Mr. Washburn, in order to bring back the dispatches he desired to send to the government after his reception by President Lopez.

"The return of this officer through the lines has been made the subject of a protest by the Brazilian admiral, but it seems without point.

"The officer was detained by the military commander until the circumstance of his appearance within the lines was explained.

"Although objections to the passage of the Shamokin were made by Admiral Tamandaré—no doubt to prevent its being looked upon as a precedent—without protest, the relations between himself and Commander Crosby seem to have been of the most friendly character, and the latter officer, in one of his letters to the admiral, thanks him for the great courtesy which has been shown him.

"In closing this subject permit [me] to add that I shall be pleased to learn if my entire course meets with the approval of the department.

"I am sir, very respectfully, your obedient servant."

Q. There is a question as to whether you transmitted the report of Commander Crosby of his operations. What is the custom in the navy in regard to transmitting to the department reports received from officers under your command?—A. That is very irregular; sometimes if they are likely to become important or do become so, they are forwarded. They are all placed on file—are all on record.

Q. They are kept as a history of the operations of the squadron?—A. We keep them very carefully; we are required to keep all documents of that kind.

Q. You transmit such as you deem of public importance?—A. Anything of consequence. Had I reported Captain Crosby for any irregularity, I should have been obliged to report the explanations of his course, if I had called upon him for any.

Q. You do not know whether this particular report ever went to the Navy Department or not?—A. I do not know; these matters were closed, and I considered that the end of them.

MR. WASHBURN. I want to state this, because the admiral yesterday implied a very severe censure of Captain Crosby for not remaining up the river until I could write my dispatches, which was an impossible thing for him to do.

Admiral GODON. I did not mean that.

MR. WASHBURN. And for not reporting the fact to Admiral Tamandaré immediately after going below.

Admiral GODON. I think you misunderstood my evidence or the intention of it.

MR. WASHBURN. I asked you at the time you were testifying, if Captain Crosby did not immediately advise Admiral Tamandaré, and you said you did not know anything about it.

Admiral GODON. I think you misunderstood my testimony. I did not think it right when I first found that an officer had been left behind, and that it had been the subject of another protest. I considered that it was an indiscretion, and that I might perhaps, in consequence, find myself in difficulty. But after I had read the papers over more carefully I found that nothing would come of it, and all that I could say was, that it was a very indiscreet thing. I now feel that it was not a wise thing to do.

MR. WASHBURN. You would have him not leave an officer?

Admiral GODON. I did not know the position of things. But it struck me at the time that if they had detained that officer and made it necessary for the Shamokin to stay up there, or if it had led to trouble with Admiral Tamandaré, it might have made it necessary to have had Captain Crosby tried by a court-martial. But as there seemed to be no serious result from it, I allowed it to pass by; still I consider to this day that it was an indiscretion, and I suppose I shall consider it so to my dying day. Allow me in this connection to read from Admiral Tamandaré's letter of November 3, dated at Tres Bocas.

MR. WASHBURN. I am not anxious to hear it unless the committee are.

Admiral GODON. I suppose you are not; but I want to read the passage and then to ask you a question. "Minister Washburn not having wished to accede to any other mode of transportation to Asuncion except in that steamer, based on which existed concessions from the imperial government"—Did this not convey to your mind, or, does it not now, that the concessions made from the government were precisely the concessions I say they made, to pass the military line, and not to pass the blockade?

MR. WASHBURN. You can put any construction upon it you please.

Admiral GODON. Is not that what Admiral Tamandaré means?

MR. WASHBURN. I do not know and I do not care; I do not attach any importance to it. General Banks asked a question yesterday in regard to the letters which General Asboth addressed to Admiral Godon, relative to having a passage up the river on the Wasp. I understood the admiral to say that he had answered those letters, but that he did not find any answer published in his correspondence.

Admiral GODON. I do not think I ever wrote to him, stating that I would not let him go up at all; but I told him verbally in conversation. I will state in regard to that matter something more definite. When I had received the letter of General Asboth, I

went up in the Wasp, and told him that he could not go up. On Sunday he called on me and asked me to put it in writing. I told him I would not write anything on Sunday. On Monday I wrote a letter to Mr. Asboth, and my fleet-captain copied it for me in his room, and the letter was brought to me to sign. The reason I did not answer definitely is that I had told him in conversation that I could not let him go, but I said that I would send dispatches. In my letter to the Secretary I said that I had not answered Mr. Asboth in detail.

Mr. WASHBURN. The other day Admiral Godon stated here that in our interviews at Montevideo or Buenos Ayres, he told me that if I would wait a certain length of time, until the season was more agreeable and healthy, he would send me up the river. I wish to read now what I wrote at that time to Mr. Seward, under date of January 16, 1866:

"I reached this place on the 4th of November, and found, as I had anticipated, that there was no way for me to get to Paraguay except on a war vessel of some neutral power. An Italian and a French gunboat had left for Paraguay some time before my arrival here, neither of which had then returned. So I waited the coming of the admiral; but instead of being obliged to wait till the 20th of November, as I had expected, it was the 26th of December, when I learned that the *Susquehanna* had arrived in Montevideo the day before. I had previously sent a letter to the admiral, to be delivered as soon as he arrived, informing him of the position I was in, and requesting him to furnish me the means of getting to my post. But without waiting for an answer to my letter, as soon as I heard the *Susquehanna* was in Montevideo I hastened to that place to urge upon him that there might be no longer delay than was absolutely necessary in dispatching a steamer up the river. To my great surprise, he now talked as if it was very doubtful if he sent a steamer; but he would not say positively whether he would or not. He would very probably go as far as Corrientes (twenty-one miles from Paraguay) himself, and in that case very likely two steamers, the *Shawmut* and the *Wasp*, would go up. He would not decide on anything, however, till he came to Buenos Ayres, which he said would be in a few days. So I returned, and waited for him till the 10th instant, and as he did not appear, I again went to Montevideo. He was still undecided whether he would send a steamer up the river or not, and alleged various reasons why it would not be proper for him to do so. If he did it at all, it would not be till after the arrival of Commodore Rodgers, who was expected here soon in the *Vanderbilt*. I observed to him that that would occasion another delay of at least a month, and that I could not and ought not to delay here that much longer. I must get to Paraguay if it were a possible thing, and I was determined to make the attempt, even if I must make the last part of the journey on horseback or buy a whale-boat, to get through the lines. He then said he would not say he would not absolutely send a steamer up before the arrival of Commodore Rodgers, but he would decide on what he could do after he got to Buenos Ayres and had talked with different parties on the position of affairs. He said then, that he would positively be in Buenos Ayres in two or three days. Yesterday, the 15th of January, he arrived, and he had finally come to the conclusion not to send a steamer under any circumstances. The reasons which he gives are so various and extraordinary that I will repeat them, with the answers which I gave."

That was written the day after my last interview with him. Admiral Godon says, in a letter of January 3d, 1866—

"I could not go to Asuncion in the *Wasp* without a greater supply of coal than she carries. As I could obtain this only from the Brazilian naval depot at Corrientes, it would hardly seem gracious in me to first disoblige the Brazilian admiral, if my going did no more than that, and then request him to furnish me with the means of continuing to do so.

"The expenditure of 200 tons of coal at a cost of \$3,000, without other object than simply putting Mr. Washburn in Corrientes, after an absence of a year from his post at Asuncion, might not be approved by the department, and I could offer no better reason for its consumption than the one that Mr. Washburn and his family wished to reach Corrientes in a way which he seems to think more dignified than that of going in a merchant steamer which plies weekly to that place."

I have to say that Admiral Godon did not positively promise me a steamer, and that his representation that I wished to go to Corrientes in a war steamer because it was more dignified than going in a merchant steamer, is deliberately and maliciously untrue.

Mr. ORTH. It is not necessary to indulge in any such remarks as those; the committee simply wish to elicit the facts.

Admiral GODON. I would like to say, if that is testimony—

Mr. ORTH. I have just notified the witness that that is not testimony.

Mr. WASHBURN. I wish to give it as testimony.

Admiral GODON. He has so testified, and I desire to say that what I wrote was perfectly true; my whole conduct justified it.

Mr. WASHBURN. Very well, we have other testimony here. I do not know that I have anything more to say at this time.

Mr. ORTH, (to Admiral Godon.) Mr. Washburn desires that we shall ask you certain questions which he has prepared. And first, I will ask you this question: In your letter of January 23, 1866, you state that there was no vessel in the squadron suitable to send up to Paraguay. Did not the Wasp arrive at Rio while Mr. Washburn was there, and was she not suitable to send to Paraguay?

Admiral GODON. I will read what I said then from a letter which I wrote to Secretary Welles on the 23d of January, 1866:

"In the month of September, not long after I reached the station, Mr. Washburn arrived from the United States, and at once called to ask me if I could not send him to Paraguay on a man-of-war. I told him there was no vessel at that time on the station that could be so employed, and in pleasant talk I informed him that I would like, in course of time, to go up the river myself, and if I could then do anything for him I would; that I did not yet know how matters stood, but would go to Montevideo and there would learn what could be done."

The Wasp did not arrive for a month after September; and I had no vessel in September that could take him up.

Q. Did not Mr. Washburn remain in Rio until after the Wasp arrived?—A. I think it very likely, but when the Wasp arrived there were some preparations made.

Q. Did not Mr. Washburn advise you while in Rio that he could not probably reach his post without the aid of a gunboat?—A. Probably he did.

Q. You say that Mr. Washburn quietly settled himself down in Rio while you went to Saint Catharine and returned; did he not leave on the first steamer after the arrival of the Wasp?—A. I have not the slightest idea.

Q. Was he not waiting there the arrival of the Wasp?—A. I have not the slightest idea. But I had not the slightest intention of sending Mr. Washburn in any vessel from Rio.

Q. Could he have reached Paraguay any sooner had he gone by the first conveyance to the Plata?—A. Had Mr. Washburn left in the steamer that arrived immediately after the Montana, I suppose that he could have got to Paraguay in one of the vessels that he says went up river.

By Mr. WASHBURN:

Q. What vessels were they?—A. The two or three vessels that you said went up.

Q. What was their character?—A. I do not know anything about them. I only know about them through Mr. Washburn's letter.

By Mr. ORTH:

Q. Did you tell Mr. Washburn that you were soon going to the river Plata, and that if you found all other means of communication with Paraguay suspended you would send him up?—A. I do not recollect saying anything of the kind. My intentions were to do everything that I could to facilitate Mr. Washburn's movement when I got up the river.

By Mr. WASHBURN:

Q. Do you say that you did not tell me so?—A. I do not know whether I did or did not; no doubt I told him I would assist him.

By Mr. ORTH:

Q. How soon after Mr. Washburn left for the Plata did you follow him in the flag-ship?—A. I do not remember now the time that he left. I did not go up very soon, perhaps a month or six weeks.

Q. Did you not promise to follow him in less than two weeks?—A. No.

Q. Did you stop at Saint Catharines on your way?—A. I did.

Q. When you previously went to Saint Catharines what was your object?—A. I went to look after some coal, to exercise, and for one other thing, which I will state. Admiral Bell was expected daily at Rio. He was my senior in lineal rank, but I had been promoted in advance of him. I carried a blue flag, and under the regulations I should have been obliged to wear my blue flag in his presence, and he to wear the red, although he was my senior. I thought that that would not be agreeable to him, and that there might be some little contention about it; and to avoid any naval complication of that kind between officers, I sailed from Rio and did avoid it. When Admiral Bell was afterwards promoted for war services, he took his proper place and was placed above me.

By Mr. SHELDON:

Q. It was out of courtesy to his feelings?—A. Entirely so. I knew the sensitiveness in regard to this matter of rank. I was on my own station, and did not want to haul down my flag in violation of the regulations, nor did my officers wish me to do so. It was a matter of naval delicacy.

By Mr. ORTH:

Q. What is the distance from Rio to Saint Catharines?—A. Five or six hundred miles.

Q. In what vessel did you go?—A. In my flag-ship.

Q. Under sail or steam?—A. Just as the wind happened to be; I have not the slightest recollection; sometimes I went under sail, sometimes I went under steam, I suppose. I did all I could to obey the orders of the department, to burn as little coal as possible. I will say in connection with this that Mr. Kirk afterwards told me that Mr. Washburn was going to report me to the Secretary of State. I had probably repeated what I have said to Mr. Washburn, and it was perfectly known in the squadron. Therefore I believed the statement of Mr. Kirk that Mr. Washburn was going to report me to the Secretary of State.

Mr. WASHBURN. I will read what I wrote to the Secretary of State:

"To sum up his objections, there is only one that has any validity, and that is the expense of the coal. But I do not see that Admiral Godon is at all consistent in his economy of that article; on the contrary, when it has suited his own convenience, I believe he has been very free in the use of it. As I have already mentioned, he left Rio while I was there to go on an excursion to St. Catherines for the alleged purpose of giving his men practice in target-firing. What need of going to St. Catherines for that purpose, when he was going by there, three or four weeks later, on his way to the Plate? Why not save the coal necessary for that trip, and have the target practice when he called there (as he did call) on his passage to Montevideo? He has given the reason since his arrival here. It was this: Admiral H. H. Bell, of the Hartford, was expected about that time in Rio, and to avoid any question of etiquette or punctilio with him, Admiral Godon now says he took a run down to St. Catherines to stay there till Admiral Bell should have come and gone. Thus for a mere matter of etiquette he could take the huge Susquehanna to St. Catherines, a distance of some 400 miles; but he cannot send a little steam tender up to Paraguay, where a war vessel is absolutely needed, because it will consume too much coal. And yet I venture the opinion that the same coal that was burnt on his pleasure trip to St. Catherines would have been more than sufficient for two trips of the Wasp to Paraguay and back."

Admiral GODON. At the time I left the Wasp was not there.

Mr. WASHBURN. Was she not expected there every day?

Admiral GODON. Yes; I had been expecting her for between two or three months.

By Mr. ORTH:

Q. You say that the Wasp could not carry coal enough to take her to Paraguay?—

A. To take her there and back, she could not.

Q. Could she carry any more coal subsequently when they did send her up?—A. Certainly.

Q. For what reason?—A. Because, as I said in my testimony, I found that she carried so little that I took her cabin away, removed her state-rooms, and built a cabin on deck.

By Mr. WASHBURN:

Q. Could you not have done that at the time?—A. When she was not there, no.

Q. When she arrived at Montevideo?—A. I did not think it fit to do so; it took me probably a month or six weeks to do it.

Q. Was not the Shawmut there?—A. I did not choose to send the Shawmut.

Q. I know you did not, or anything else.—A. Or anything else at that time. I had proper reasons for it, which I have stated to the department.

By Mr. ORTH:

Q. You say that no coal was to be had on the river except from the Brazilian squadron. Were there not private coal stations at Rosario, Parana, and Corrientes?—A. I do not know that there were; I know nothing at all about them.

Q. You allege the expense of the coal as a reason for not sending Mr. Washburn up?—A. One of the reasons.

Q. As a reason, not the only reason. Was any proposition ever made to you by any private person to furnish the coal gratuitously? If so, what was your reply?—A. Yes, sir, there was. After I had settled in my mind that I could not go, Mr. Hale, one of the oldest merchants in Buenos Ayres, came to see me. He is an American, and a very respectable man. He mentioned that if that were the only difficulty in my way he would furnish coal to go to Corrientes. I replied, "Mr. Hale, if it is necessary and proper to send Mr. Washburn up to Corrientes, I will burn all the coal in my squadron. But as there is no interest in the matter, I do not see why I should burn any coal to send him up there." It had then degenerated into the simple question whether Mr. Washburn should go to Corrientes or not.

Q. You say that Mr. Washburn desired to go to Corrientes in a gunboat. Did he not express a desire to go above Corrientes in that way?—A. He had been informed positively by me that I would not interfere with the blockade.

By Mr. WASHBURN:

Q. You said to-day that there was no blockade at that time.—A. At Corrientes. But I had admitted to Admiral Tamandaré that I would respect the blockade at Tres Bocas.

By Mr. ORTH:

Q. Did you not receive a letter from Mr. Washburn when you were in Montevideo requesting you to send a vessel to take him to his post?—A. I received a private letter from Mr. Washburn, and considered it merely a private letter in continuation of, a private request that he had constantly made. I never received an official letter, or an official intimation of any kind.

By Mr. WASHBURN:

Q. Was it semi-official?—A. It was neither semi-official nor official, only a private letter.

Mr. WASHBURN. I wish the committee to take notice of one thing particularly: the admiral speaks of the blockade at Corrientes as though it was above Corrientes. Now, I say, and it appears in all the correspondence, that the blockading squadron was below Corrientes during all the time this affair happened, or at Corrientes.

By Mr. ORTH:

Q. Did Mr. Washburn ever modify that request so that you inferred that he only desired to go to Corrientes?—A. After I had told him I could not send him up, and when I offered to take him up in six or eight weeks, that is, send him up in the Shawmut, or some vessel of that kind that could sail and burn little coal.

By Mr. WASHBURN:

Q. Sail up the river?—A. Yes, sail up the river and burn little coal, steaming around the bends, and sailing when the delay would not be a serious inconvenience to the officers. It was then understood that at the end of that time I would send him up to Corrientes. I withdraw that; I called upon him in the presence of Captain Taylor, and told him that while I regretted all these things, was sorry for them, I would do the best I could, and would send him up there afterwards.

Mr. WASHBURN. There is a direct issue of fact; I deny the whole of it.

By Mr. ORTH:

Q. Was there any way for Mr. Washburn to go from Corrientes to Asuncion without a steamboat?—A. Mr. Washburn told me distinctly that if he could get to Corrientes he would go up in a canoe.

Mr. WASHBURN. With a gunboat to take me to Corrientes; that was the distinct understanding.

Admiral GODON. I never heard of the gunboat.

By Mr. ORTH:

Q. You say that if Mr. Washburn should go to Asuncion probably your services would be needed for the protection of a really distressed American. Did you consider that you should not aid Mr. Washburn to reach his post from apprehension of danger and inconvenience to him?—A. No, sir; I could not go through the blockade; that was my reason.

By Mr. WASHBURN:

Q. Go where?—A. Go to Asuncion, passing through the blockade; that was my reason.

By Mr. ORTH:

Q. You say officially in that letter that nothing Mr. Washburn could do would affect your judgment or influence your action. Are we to understand by that that if Mr. Washburn, in his official duties, had placed himself in a position where his own life and the lives of his family were in danger, you would not have gone or sent to his rescue?—A. I will answer that question. The spirit in which it is put shows the *animus* of this whole thing.

Mr. ORTH. I am asking the question for Mr. Washburn. It is a question which I suppose he desired to have answered or he would not have prepared it.

Mr. WASHBURN. Yes, I want an answer to it.

Admiral GODON. I was writing then an official communication to the Secretary of the Navy. I had stated to him the whole matter as it then stood. Towards the close of the affair Mr. Washburn had shown a great deal of unkindness. I wrote that I should wait for instructions and I intended to do so. In writing to the Secretary of the Navy I wrote honestly, precisely as I felt. This is what I wrote:

"I shall be governed by my present views until I receive instructions from the department. While waiting them nothing that Mr. Washburn may do will affect my judgment or influence my actions, which will always be for the best interests of the service."

No unkindness, no remarks, nothing that Mr. Washburn could do to excite in me anger or feeling of any description would affect my judgment or influence my action;

I did more, I wrote in another letter, when I stated that I would send him up in spite of all the feelings which existed then, which I myself had very little of, though I had considerable cause.

"In my letter to Mr. Washburn I have stated that, although he should be offered by the allies a safe conduct through the military lines, I still would furnish him with a suitable vessel to go to Asuncion, not in a threatening way, however, as he seems to desire, but in a friendly yet dignified manner.

"If in doing this I am going beyond the instructions of the department, I would only say in justification that the long delay and inconvenience to which our minister has been subjected already seems to render it proper and expedient that I should, for the dignity of the country, place him beyond the chance of further annoyance."

And again, I read as follows:

"The reasons for my giving these orders remain the same. As I stated in my first letter to the department on the subject of Mr. Washburn going to Paraguay in a government vessel, that I then would not allow anything he might do to affect my judgment or influence my actions, which would always be for the best interests of the service, so will I now be guided by the same motives, and honestly carry out, as I understand them, the wishes of the government.

"I am, sir, very respectfully, your obedient servant."

Having heard that Mr. Washburn was to return unless the allies removed the obstructions, and as Mr. Washburn said they had not been removed, still I let my order continue in force, I say:

"Although Mr. Washburn may not have obeyed his instructions of April 26, Commander Crosby will carry out the orders I have given him, to afford Mr. Washburn a passage to Asuncion upon his written application."

Q. That is your answer to the question?—A. Yes, sir.

Q. In your letter of January 23, you stated that the Brazilian admiral had declared the ports of Paraguay blockaded; while in your letter of May 18, you say that the Brazilian minister, Señor Octaviano, informed you that Mr. Washburn could have gone to Paraguay in a merchant vessel at any time previous to the occupation of Tres Bocas by the Brazilian squadron. This being more than two months after the blockade was declared, how could he go on a merchant vessel?—A. I do not know.

Q. Did any merchant vessel go to Paraguay after the blockade was established?—A. I do not know; I merely stated that Mr. Octaviano said so.

By Mr. WASHBURN:

Q. Did you not know that it was not true?—A. I only stated what was told me.

By Mr. ORTH:

Q. What was your motive in giving this statement of Octaviano to the Secretary of the Navy, when it could not be true?—A. I did not know anything about the truth of it; I merely stated what Mr. Octaviano stated to me.

Q. Then of your own personal knowledge you did not know whether vessels went up there or not?—A. I did not.

Mr. WASHBURN. There was no communication, and the admiral knew it.

Mr. WILLARD. How do you know that?

Mr. WASHBURN. I went up there. I left Buenos Ayres about the 18th of January, and there never was a sailing vessel went above there.

Mr. WILLARD. Was there no difficulty in going to Corrientes?

Mr. WASHBURN. Not at all; they did not object to our going to Corrientes.

Admiral GODON. If I may be allowed to state a naval point I will do so. There might have been five hundred men-of-war lying at Corrientes. As the river is not more than a mile wide one war steamer would be sufficient to prevent anything from passing up although the entire fleet of the admiral might be at Corrientes.

Mr. WASHBURN. Nothing did pass.

Admiral GODON. I am not responsible for Mr. Octaviano's statement. I merely stated what he told me and made no comment about it.

By Mr. ORTH:

Q. In your letter of September 17, 1866, you give as a reason for not sending Mr. Washburn up in a gunboat that he had not complied with the instructions of the Secretary of State. Had not Mr. Washburn done repeatedly all that Mr. Seward had instructed him to do, and had not the commander-in-chief of the allies refused to hold further correspondence with him?—A. Mr. Washburn had not done repeatedly what Mr. Seward had instructed him to do. Mr. Washburn had written repeated letters, but he had never done what Mr. Seward says he should do, because Mr. Seward gave him definitely the words he was to use in the letter he was to write.

Q. Was Mr. Washburn to be the judge and interpreter of his own instructions or were you?—A. Mr. Washburn was to be the judge of his own instructions and was responsible for that; I had nothing to do with his responsibility. But when he was

ordered to send the instructions to me then Mr. Washburn was not responsible for the manner in which I acted upon them or for the construction I put upon them. If it was not necessary for me to see the original instructions, then I would have to take Mr. Washburn's construction of them. But inasmuch as Mr. Seward's instructions to him had been communicated to me, but he had not given me the words of Mr. Seward's instructions, it seemed that Mr. Seward thought he was not very clear about it, and, therefore, that the admiral himself must see for himself. Mr. Seward in his letter states that it was not to be considered an unfriendly act for the allies to deny the permission asked by Mr. Washburn. Mr. Washburn says that it was illegal. Now if it was illegal it was extremely unfriendly; at least it is generally so considered in law.

Q. In your letter of October 24, 1866, you say that General Webb had officially advised Mr. Washburn that all obstructions to his passing the lines had been removed?—A. Yes, sir.

Q. And that Mr. Washburn paid no attention to this notice. Now, had not Mr. Washburn previously informed you that former promises to him by the allies had not been observed and that he attached no importance to these?—A. Mr. Webb informed me that he had not paid the slightest attention to the official notice, which was as follows:

“PETROPOLIS, September 16, 1866.

“SIR: In reply to your official note of yesterday, received at 7 p. m. this evening, I have the pleasure to communicate, for your information, that on the 22d of August I advised Mr. Washburn officially that all obstructions on the part of the allied fleet to his repairing to his post of duty had been removed.”

I knew he had that information.

Q. The question is this: had not Mr. Washburn previously informed you that former promises to him from the allies had not been observed, and that he attached no importance to those?—A. Mr. Washburn wrote me this: “I had already anticipated the instructions of the Secretary of State, and had requested of the commander-in-chief of the allied armies a passage through their military lines for myself and family. But it has been persistently refused, and I therefore request you to provide me with a war vessel and the necessary convoy, in accordance with the instructions of the government.” Mr. Webb informed me that Mr. Washburn had been informed officially that obstructions were removed. Yet Mr. Washburn never asked from that moment, although the Secretary of State distinctly informed him that their previous acts were not to be considered unfriendly, and that he must dismiss all that had been done, and act in a manner stated in his instructions.

Q. You state that Mr. Washburn urged the propriety of having a United States vessel in Paraguay in order that Lopez, if hard pressed, might leave the country. Are you sure no contingency could arise by which, with the consent and at the desire of the allies, Lopez should thus be allowed to escape and thus save the sacrifice of many lives?—A. My orders were to be neutral; and in carrying out the wishes of my government the lives of all the Paraguayans were of very trifling consideration to me.

By Mr. WASHBURN:

Q. Had it been desired by all parties, had there been a gunboat there, and I had been requested to use my influence?—A. I would have taken the matter into consideration; I think I would have given you a gunboat very promptly.

Q. Was not that a contingency which could arise?—A. If I had been born in France I would not have been an American.

Mr. WASHBURN. I had great hopes if I went up there and there was a gunboat there that Lopez would see that his cause would be lost, and by the assent of the allies and under the protection of an American gunboat would leave the country. It was for some such contingency as that that I desired a gunboat to go up; that was one reason.

Mr. WILLARD. Was that really any part of your duty as a minister?

Mr. WASHBURN. No, sir; my duty was to go up there. [To Admiral Godon.] Was it not perfectly competent for you at that time to give the same instructions to Captain Crosby that you gave afterwards not to take away Lopez or any other Paraguayan?—A. It was perfectly competent, but it was not competent for me to send a vessel through the blockade.

Q. You might have obviated my reason for wanting a gunboat?—A. I might if you had asked me. I would have given him peremptory orders not to do it. If after going up there a minister had the right to give any instructions, this being a political question, my officer would have been obliged to follow those instructions.

Q. Did I ever maintain that I had any right to give instructions to your officer?—A. No, sir; you never did.

Mr. WASHBURN. I believed that Lopez was near the end of his rope, and it was believed that if a gunboat went up, very likely he would want to escape, and the war would then cease. The admiral might have given instructions not to take Lopez under any circumstances, or only with the consent of all parties.

Admiral GODON. I will recall a question you put to me at that time. You said, suppose that a vessel did go up, and so forth, and she was there, and Lopez got aboard. I said he cannot get aboard, because I would give such instructions that he could not possibly get aboard without the consent of the officer. You then said, suppose he did get on board, and it was discovered coming down that he was on board, what would you do then? I told you that if he did get on board by a breach of hospitality, and by breaking my neutral position, I would hand him over to the blockading squadron, and they might hang him as high as Haman. I would involve my country in no hazard and risk at all in that way.

By Mr. ORTH:

Q. Would not Mr. Washburn, being on the ground, be the proper person to judge when such contingency would arise?—A. I concede all these matters, that everything on shore belongs so exclusively to the minister that I had no interest in it. It is only when forced upon me that I have a right to an opinion. When it comes to using a vessel in my squadron, then I have an opinion.

Q. Did not the Wasp draw less water than the Shamokin, on which you did send Mr. Washburn up?—A. She did draw less; but I sent the Shamokin because she was a large vessel, with a fine cabin, and had a certain bearing about her on account of her large guns, which made her preferable. The Wasp had two little pop-guns, 12-pounders. I wanted to make them as comfortable as I could.

By Mr. WASHBURN:

Q. Did you give any orders to Captain Crosby to make us comfortable?—A. He had a splendid cabin.

Q. But it was unfit for ladies.—A. But we live in those cabins. He had one of the finest cabins I ever was in, and a fine stateroom for a lady. I went up myself in it.

Q. But you are not a lady.—A. No; but there was a fine state-room. If I had sent you in the Wasp, there was no place for a lady; you would have been obliged to take the cabin entirely.

Mr. WASHBURN. When I was at Rio, the admiral said he was going to put up a cabin then, and that it would follow down very soon afterwards.

Admiral GODON. You know naval matters are very slow when you are merely accommodating people. When you go to fight, they are more rapid.

By Mr. ORTH:

Q. Which vessel would consume the most coal in making the trip?—A. I suppose the Shamokin; much the most.

Q. What was the object in sending the Shamokin in preference to the Wasp?—A. Because she was a fine vessel, with good accommodations for Mr. Washburn's family.

By Mr. WASHBURN:

Q. Was not the cabin on the Wasp made at the time you sent the Shamokin?—A. Yes; but I did not send her, because she was not as good as the Shamokin.

Mr. WASHBURN. She had fine accommodations; good enough for me.

Admiral GODON. I am delighted to hear it. Then the accommodations of the Shamokin must have been too good.

By Mr. ORTH:

Q. In your letter of January 23, 1866, you say that there were other reasons for your refusal to comply with the request of Mr. Washburn; please state what they were.—A. One reason was what Mr. Washburn had said about having a vessel there to remove Lopez. I did not state this reason at the time, because I did not think it was a very proper subject, and therefore only gave it when I was compelled to give unusual orders to the officer going up.

Q. Did Minister Octaviano state to you that the Brazilians or others of the allies had captured some papers from the Paraguayans, in which papers Mr. Washburn's name was found in connection with some arms purchased or to be purchased by him, and in regard to the money that was to be paid for the same?—A. He did.

Q. State what it was.—A. He said something to that effect pretty much as stated in the question, that there were some papers captured. I think it was about the time that Corrientes was taken; it did not make much impression on me. The statement was that papers had been found in which Mr. Washburn's name had been mentioned in connection with arms; that there had been some investigation about it. I said: "Well, was there anything to show that Mr. Washburn had anything to do with it?" Mr. Octaviano seemed to think that there was not much in it. In conversation he spoke of it, but said nothing that ever led me to suppose that Mr. Washburn was really engaged in it.

Q. Did you ever mention this matter to Mr. Washburn that he might explain it?—A. No, sir; Mr. Washburn was in Paraguay.

Q. Did you ever mention it to any one else?—A. I think very likely.

Q. Did you ever circulate it among other people?—A. I mentioned it as a subject connected with many other matters.

Q. Did you know anything about these papers?—A. I never saw them. Mr. Octaviano left the impression on my mind that the subject of the arms did not amount to much.

Q. Did you ever mention this matter to other people as being derogatory to Mr Washburn?—A. I merely mentioned it as the subject came up.

Q. Did you ever report the fact to the government?—A. I never did so; I should consider it quite out of propriety and reason to have done so.

Q. In your interview with Octaviano did he ever allude to the offer of money made by Admiral Tamandaré to Mr. Washburn if he would not insist on going to his post, as appears in Mr. Washburn's letter of April 27, 1866, to Secretary Seward?—A. In the interview that I had with Mr. Octaviano, I took two officers with me, Captain Marvin and Captain Kirkland. It was a little warm at first, but when we came down to see that we really understood the subject of the blockade perfectly, Mr. Octaviano told me that he had received a letter from Mr. Washburn which he had never answered. I asked him if it was proper to allow such a letter to go unanswered. He said it was such a letter that he could not answer it. I asked him what there was in it that could not be answered. His reply was in French, but the meaning of it was that it had no point in it, that there was no particular thing in it. The letter stated that he had done a great deal for the Brazilian minister, that he had been absent in the United States, that if he could only have got back six weeks before, he could have gone up the river, and so on. I still persisted in asking why not answer the letter. He said that it was an undiplomatic letter which he could not answer; he said that in diplomacy they must have a point to come at. The impression was made upon me that Mr. Octaviano had not been frank in the matter, and the question constantly came up what was in that letter. I asked him once or twice and he said he would show it to me. He went to his room before these gentlemen to look for it, and said that he could not find it. Some time afterwards I again asked him if he had found that letter for I wanted to judge myself whether he had acted frankly about it. He said he had not forgotten it, but could not show it; he left the impression on my mind that he did not wish to show the letter. When he came to tell me good-bye upon leaving the mission he handed me a letter and I handed it back to him. He said he did not care to have that among the diplomatic papers.

Q. Did he ever allude to the offer of money made by Admiral Tamandaré?—A. No, not by Admiral Tamandaré, but he did allude to an affair of money.

Q. Made by whom?—A. Not by Admiral Tamandaré.

By Mr. WASHBURN:

Q. To me?—A. Yes, sir. Would you like me to state anything more?

Mr. WASHBURN. I am willing to have you state it.

Admiral GODON. I will state all he did say.

Mr. WASHBURN. I would like to hear it.

Admiral GODON. I said to Mr. Octaviano that I did not see anything in that letter that he might not have answered; he said: "What was I to offer to him? What was I to give him? He did not ask for a vessel, but simply said he left it to me to determine what to do." I said, "Well, why did you not offer him to go up there?" He said, "I could not offer that because that had been refused by General Mitre. But it left the impression upon my mind that I must do something. I could not answer the letter; I had seen Mr. Washburn before; he was in Corrientes. He complained of the expense, of the annoyance, trouble, and that the very fact of his having assisted the minister made this thing of immense expense to him. What could I think of in regard to that? I said I will lend you any amount of money; it is a matter which you can do; I have control of it; it is there and I can do it. Well, Mr. Washburn said no, it was not that." He said afterwards that he felt that perhaps that was not the way he ought to do this thing. He sent a person of rank and position to offer him the money.

Q. Did he say the money was accepted?—A. No, sir; it was not. I said to Mr. Octaviano, "Why, you surprise me; did Mr. Washburn say anything?" Mr. Octaviano said no; that he would not accept it.

Mr. WASHBURN. In my testimony the other day I said that another high official had offered me money, but I did not say who it was. I can now say that it was Minister Octaviano, because it has come up in this way.

By Mr. BANKS:

Q. At the suggestion of Mr. Washburn I will ask you a few questions. What do you understand is meant by forcing a blockade?—A. Going through with a vessel.

Q. For what purpose is a blockade established?—A. That is a political question. I have only my naval notions about it.

Q. Is it to prevent neutral governments from holding official intercourse with the governments blockaded, or with their representatives there?—A. A great many years

ago Lisbon was blockaded by the French and English fleet. Commodore Biddle was ordered from the United States to take our minister there in a frigate. He arrived off the port and attempted to go in. They told him to go back; and he went back. On our coast during the rebellion there was another kind of blockade. Our blockade permitted men-of-war to pass through to communicate with the consuls that were within our blockaded ports because they were consuls with *exequaturs* from the city of Washington. Although that portion of the country was in the rebellion, they claimed the right to communicate with their consuls there in some form or another. The government, rather than give them permission to go through the military lines, permitted their vessels of war to enter the blockaded ports. These are two kinds of blockades. The question would come up in a form that I could not answer definitely. When I arrived before a place I would have to decide, or get the minister to decide, what the condition of the blockade would be, and respect it or not, under advisement.

Q. Has the blockading power the right to prevent the minister of a neutral power from going to his post, if necessary, through a blockade?—A. It has, I believe, according to all the received legal authorities.

Q. Is not a blockade for the purpose of cutting off supplies and material aid, and not for the purpose of preventing diplomatic intercourse with the governments?—A. It is for cutting off supplies, material aid, and anything else that is vital to the life of the country; anything that will prevent the war from being continued on the part of the country blockaded. The object is to check the war, not to interfere with neutrals. It is a right accorded to neutrals, as far as international law goes.

Q. Mr. Washburn calls attention to this letter of Mr. Seward to Mr. Webb, dated September 23, 1866, in which Mr. Seward says, "So far from considering the question or the right of Mr. Washburn to proceed to his destination as a debatable one, the United States cannot consent to argue that question."—A. I had written that myself before Mr. Seward wrote it; so that Mr. Seward and myself agreed.

Q. When the blockade was forced as it was by the Shamokin, what injury was inflicted upon the blockaders other than obliging them to let ministers pass?—A. The blockade never was really forced. Mr. Washburn, in his correspondence, and in whatever has been said about it in that way, has always claimed that the blockade was forced. But in my estimation it was not forced at all. The French minister told the admiral that I was allowed to send a vessel up through the blockade under this protest or whatever it was, because I had held a knife to the throat of the minister.

Q. Was not the blockade as effectual after the Shamokin passed, for all purposes except stopping foreign ministers, as before?—A. I think it likely that, under the rule, had any foreign vessel claimed to go up, they could have prevented it.

By Mr. WASHBURN:

Q. With ministers on board?—A. Under the law of blockade I doubt very much if they could have prevented it, although they allowed me to go up under protest. That was one of the troubles in doing it. The protest was to show that they had not permitted it.

By Mr. BANKS:

Q. Would not our government, the circumstances having been reversed, have granted to the ministers of the allies the same facilities for reaching their posts that the United States claimed for their ministers?—A. Through the military lines?

Q. Yes, sir.—A. I think it would; and I told Mr. Octaviano that it would be looked upon as neither friendly nor kind to deny it to us. We cannot tell what people would do; what a nation would do; they would have to be the judges. I think that under ordinary circumstances they would have allowed it. It was an unkindly and unfriendly act on the part of the allies to prevent Mr. Washburn from going through the military lines.

Q. Do you think the United States government took advantage of its superior power over the allies in demanding the right to send its minister to his post?—A. I will read my answer, which, it seems, I have written in advance of the question; in my letter to Mr. Washburn—not to the government, I say:

"I have been unmindful of the inconvenience and seeming discourtesy of the allies in keeping a minister of the United States from passing through the military lines to his post, and have communicated with our acting chargé d'affaires to this government in regard to it, from whom I learned that the obstructions would be removed.

"I feel satisfied that the same information will be given to you when you address the President of the Argentine government, as directed by the Secretary of State.

"The truly friendly relations that exist between the allies now at war against Paraguay and our own government disposes me still more to refrain from committing any act which would seem like arrogance in a great and powerful nation like the United States towards governments too weak to resent it, although they might, in their very weakness, venture to commit indiscretions, as in the present instance."

It was not an act of the government, but if I had done it it would have made it so,

and it would seem like arrogance in me to force my government to do a thing which could be done in a friendly and amiable way.

Q. Was not the government of the United States ready to send Mr. Washburn to his post if the allies persisted in delaying him, even though it did bring on a war?—A. My instructions were to do that thing. And when they found that I was going to do it under my instructions they instantly saw that the complication would be such as to bring on, probably, a war. Therefore these ministers were all recalled by our government and diplomatic intercourse was made to cease.

Q. Had the Shamokin been fired into would you have considered that a cause of war?—A. Most undoubtedly.

Q. Would Captain Crosby have been sustained by you had he fired back?—A. Most undoubtedly, and there was my trouble.

Q. If no orders had been sent to withdraw obstructions to passing the blockade why did you send orders to Captain Crosby to go through the blockade?—A. I have given my reasons. I had seen the minister. The instructions were to permit Mr. Washburn to go through the military lines. I have stated in my evidence that after having received those instructions, knowing that Mr. Washburn must go through, I told those persons that Mr. Washburn must go through in a convenient way; that he should not pass through the military lines as there was a great deal of feeling; Mr. Washburn had shown a great deal of feeling about it, and there might be some trouble in passing the military lines which would involve questions of a most serious nature, and there was a lady in the case. I sent up a vessel on my own responsibility, and wrote to the government that I might still be held responsible for thus going beyond orders, but that I believed that I was doing about right.

Q. If, as you stated yesterday, the only orders of the Brazilian government referred to passing the military lines and had no reference to the blockade, why did you order Captain Crosby to pass the blockade?—A. Because, as I had told them this thing had lasted long enough, it had been such a discomfort in every way that now as they had conceded that he should go up there, he must go in a proper way; that I did not want a lady to go through the military lines. And it was allowed under protest. I had a letter from Secretary Welles in which he stated that it was the desire of the government that Mr. Washburn should go up to his post, and I was determined that he should go as comfortably as possible.

Q. Were you not apprehensive that Captain Crosby would be stopped when you wrote to the Navy Department that you had in a semi-official notice ordered Captain Crosby to disregard any protest?—A. I did not believe he would be stopped; I had no fear at that time that there would be anything serious. I wrote that note to Captain Crosby with the intention of aiding his judgment as far as I possibly could.

By Mr. WASHBURN:

Q. You call that semi-official in your correspondence?—A. Yes, sir.

Q. Was that any more semi-official than my letter to you?—A. I wrote it in connection with my orders, so that in case of any accident he could fall back upon it.

Q. Was it not marked private?—A. I wrote it so that he could go ahead and do what he had to do, and there was my letter to relieve him from the responsibility.

By Mr. BANKS:

Q. You advised him in this note that nothing but absolute force should stop him?—A. So I did.

Q. Was that such a note as would have relieved Captain Crosby from responsibility?—A. I think it would. I told him frankly and candidly in the note all I thought; I went as far as I possibly could. I considered when I wrote that letter; I consulted with my fleet-captain at the time, a very clear-headed man, and I said that in sending it I was giving specific orders, but that there were contingencies, and that I would write the letter. I did write it and kept a copy of it. I do not keep copies of my private notes at all; but I kept a copy of this, and I wanted to relieve my captain of a responsibility which I was assuming. I was as honest in it as I could be.

By Mr. ORTH:

Q. I understand that you declined to send Mr. Washburn to Paraguay because to do so would have compelled you to break the blockade?—A. Yes.

Q. Why did you subsequently send him, and thus force the blockade, when the instructions from the government only authorized you to do so after the refusal of the allies?—A. Because permission had been granted him to go through the military lines, and there was an understanding that there would only be a protest at going through the blockade.

Q. Had you that understanding before you issued your order to Captain Crosby?—A. Yes, sir.

Q. With whom did you have that understanding?—A. In a confidential way I had a conversation with the minister, and he said, well, that I could do it under protest.

Q. Supposing you had had no such intimation from the Brazilian minister?—A. Then I could not have gone up.

Q. If you had not received this intimation from the Brazilian minister, that as you held the knife to his throat, as he termed it, he would consent to your going up under protest, you say you could not have done it?—A. I could not have done it, because there was no reason for it, as Mr. Washburn could go through the military lines.

By Mr. WASHBURN:

Q. Where was the permission granted to go through the military lines?—A. I read you from Mr. Webb's letter: "SIR: In reply to your official note of yesterday, received at 7 p. m. this evening, I have the pleasure to communicate, for your information, that on the 22d of August I advised Mr. Washburn officially that all obstructions on the part of the allied fleet to his repairing to his post of duty had been removed."

Q. You say that I received permission to pass through the military lines?—A. Here it is.

Q. General Webb says the blockade?—A. As far as that letter was concerned it was so, so far as Brazil was concerned.

By Mr. BANKS:

Q. Suppose that the Brazilian admiral had insisted on not allowing the Shamokin to pass, what instructions had you given Captain Crosby in that case?—A. Captain Crosby had to go.

Q. What was the date of your order to Captain Crosby to take Mr. Washburn to his post?—A. October 5.

Q. What was the date of your later instructions?—A. I do not remember; whether he could get my letter in time was another thing.

Q. Why did you not give those instructions with the first orders, so that Captain Crosby might have the benefit of them upon going up the river?—A. That is a very pertinent question. I do not know of any reason at all, except that in thinking over the matter and considering the difficulty that I might be in from doing more than I had authority to do, I saw there might be trouble, and I wanted to relieve Captain Crosby as much as I could.

Q. You understood it better on the 21st than you did on the 25th?—A. Yes, sir; I had trouble all around me, but I was doing the best I could; still it was very possible I might not do all that was right, and might be broke about as soon as anything else. I had heard that there was some possibility of trouble about the thing. I wrote to Captain Crosby on the 8th of October, and began in this way: "I have sent you an order to take Mr. Washburn and his family up to Asuncion; it would be well that you should know how matters stand," and so forth.

By Mr. WASHBURN:

Q. Did you ever receive from me at Rio, or at Buenos Ayres, or anywhere else, anything but respectful, courteous, and gentlemanly treatment?—A. I do not know that I remember anything particular about it.

Q. Everything was perfectly decorous?—A. Yes, sir, as much so—

Q. There was a difference of opinion; there was no correspondence passed between us except what is published?—A. None, except that private letter

Testimony of Captain Clark H. Wells.

WASHINGTON, D. C., April 16, 1869.

Captain CLARK H. WELLS examined.

By Mr. ORTH:

Question. Are you in the service of the government?—Answer. I am commander in the United States navy.

Q. Where were you during the years 1865 and 1866?—A. I received in July, 1865, orders to take command of the United States steamer Kansas, fitting out at Philadelphia. When I reported that vessel ready for service, I received orders to proceed to Brazil, making first the port of Bahia, which was then considered the headquarters of the South Atlantic squadron, and to report for duty to Rear-Admiral Godon. Subsequently I received orders to stop at Cape Haytien, island of Hayti, and to remain there for the protection of American citizens and interests while the revolution there lasted. I stayed there I think nearly two months; I am not certain now. After I had performed that duty, I was relieved by the United States steamer De Soto, which brought me orders from the Secretary of the Navy. I think the order was signed by Mr. Fox, the Assistant Secretary of the Navy, to repair to Brazil. I arrived at Rio, December 7, 1865, and found at anchor the United States steamer Juniata, commanded by Captain Almy. He informed me that the day before Admiral Godon had left for

Montevideo, stopping at Saint Catharines. I remained there some time overhauling, and then I was sent by Commodore Rodgers, who had arrived there, to go to a place called Abrolhos. There was a report at Rio that the Brooklyn had been lost on those shoals, which report proved to be unfounded. It was one of those reports which sometimes have a circulation, and you cannot trace them to any particular source. I went up there with Captain Almy in the Juniata. Captain Almy had given me orders from Admiral Godon to go to Saint Catharines to coal, to exercise the crew with the great guns, and then to proceed to Montevideo. I arrived at Montevideo, January 27, 1866, and found Admiral Godon there in the flag-ship, Brooklyn. The gunboat Nipsic was there, and the Wasp was there. During my stay there from January 17 to February 19, in my several conversations with Admiral Godon, he frequently alluded to Mr. Washburn, always introducing the subject himself. He spoke of his having arrived out there and that he had written to him frequently, and sent him up the river in a gunboat to the place of his destination. I then discovered that Admiral Godon showed an evident disposition not to send Mr. Washburn to the place of his destination. The drift of his conversation always made that impression on my mind. On my return from the Falkland islands, which was April 19, 1866, I found that he had gone up the Uruguay river, and that Captain Almy was the senior naval officer at that port. I do not know how long, but within a few days after I arrived, I received orders to repair to Buenos Ayres; I left for that place May 24, and arrived May 30. In the interval Admiral Godon had arrived at this port; he again referred to Mr. Washburn, and on one occasion—I do not recollect the date—he read to me a letter which he had addressed to the Secretary of the Navy, in which he stated that he was not to know officially that Mr. Washburn occupied the position of a minister of the United States, as Mr. Washburn had never informed him officially of that fact; and that his objection to sending him up the river was that he would consume a great deal of coal. I think he stated between \$4,000 and \$5,000 worth. I took the ground as I always have, and always will, that an American minister had a right to go to the country to which he was accredited; that the laws were wrong in this matter. He replied that Mr. Seward had decided differently; he evidently did not like the manner in which I had expressed my opinion. In connection with this matter, I will say that after Rear-Admiral Godon had read this letter to me, I distinctly recollect asking him the question, did you furnish Mr. Washburn a copy of that letter? He said no, that he had not, and then closed the book.

Q. You say that he gave certain reasons, among others the large consumption of coal. Did he in that conversation urge an objection to taking Mr. Washburn up through the blockade of the allies?—A. Yes, sir, he did in connection with the consumption of the coal.

Q. Those were the two objections?—A. Yes, sir. What he had of a personal character I do not know. At that time I had never met Mr. Washburn.

Q. What did he say with reference to the blockade?—A. He said the allies had a right to prevent the American minister from passing the blockade.

Q. Did you at any time, in any conversation with Admiral Godon, hear him say or judge from his conduct that he had purposely avoided being officially informed of the fact that Mr. Washburn was our official minister?—A. I never heard him say that.

Q. Did you hear him say that he based his refusal to accommodate Mr. Washburn upon the ground that he did not know officially that he was a minister?—A. I only inferred that he used that as the pretext for not sending him to his destination.

Q. What caused you to infer that?—A. The manner in which he generally spoke of Mr. Washburn. I had received the impression, knowing Admiral Godon as well as I did, that he would throw obstacles in the way of any minister.

Q. Why?—A. From the fact that in his official course, particularly on this station, he always seemed to make it a rule to ignore every American minister.

Q. What did you ever hear him say in reference to American ministers generally?—A. I have heard him express himself very contemptuously, not only with regard to Mr. Washburn but also Mr. Kirk. I never heard him allude to Mr. Webb; he seemed to have made General Webb an exception.

Q. Will you please go on with your narrative?—A. I arrived at Buenos Ayres May 30, 1866, and had instructions from Admiral Godon to act as the senior naval officer of that port, and to place myself on a friendly footing with the officials. Mr. Kirk was the American minister at that place. Mr. Washburn was up the river, I think in the neighborhood of Corrientes. When I received orders to leave for Montevideo, which I think was about July 11—I may not be exact about the dates after all—I left, and arrived there on the 15th. In the interval I sailed over to a port called Colonia, which is opposite Buenos Ayres. I there fell in with an Italian gunboat, called the Ardit, Captain Raccia. That officer spoke English fluently. He stated that he had met with Mr. and Mrs. Washburn at Corrientes, and had become quite well acquainted with him; that on one occasion Mr. Washburn, by his invitation, visited his vessel, and that he had saluted him; that before firing the salute he was in doubt whether Mr. Washburn was invested with any official position; that he had heard that he was the American minister to Paraguay, but from the fact of his arriving there without any means of reaching his

destination, even the people in the neighborhood had their doubts about it; but that he had fired the salute nevertheless. I told Captain Raccia that he had done perfectly right, that he was saluting an American minister. I arrived at Montevideo July 15, and remained there until September. September 14 I left again for Buenos Ayres, where I remained until the 20th. October 13 I left again for the port of Buenos Ayres. About this time General Asboth arrived, and Captain Crosby, who commanded the Shamokin, and myself were ordered by Admiral Godon to escort the general up the river to Buenos Ayres. I had also a private letter from Admiral Godon desiring me to extend to the general all the honors that I could give him on the way up, firing guns and making a fuss over the general, in order, I suppose, to produce a good effect upon the people. I remained from October 13 to December. On this occasion I became acquainted with Mr. Washburn, who had returned from Corrientes. He was living at a hotel, and in his conversations with me upon the subject of his troubles, he always expressed himself temperately. I have no recollection of his ever having said anything which I could construe as being disrespectful to my superior officer, Admiral Godon, who commanded the squadron. But he did allude on several occasions to the manner in which he had been kept away from his destination; he felt so sore about it that the people living in Buenos Ayres frequently made their remarks about it; that there were articles appeared in the newspapers, which were unfriendly in their character; that he had no desire to occupy any such position in the estimation of the people. Moreover, every intelligent, respectable American, and nearly every Englishman, were of the opinion that Mr. Washburn had been very unjustly dealt with by Rear-Admiral Godon.

Q. What are the relations between you and Admiral Godon—friendly or otherwise?—A. Unfriendly. They had their origin, mostly, nine-tenths of them, on account of my having been on friendly terms with Mr. Washburn.

Q. Prior to this period you were on friendly terms with the admiral?—A. There had been no rupture at all, no open rupture.

By Mr. WILLARD:

Q. Were there unkind feelings before that?—A. I had no very particular admiration for him. Still I did my duty. I had received several complimentary letters from him for services I had performed; not very complimentary, but as complimentary as he was capable of writing. I had heard about this coal business, that Mr. Hale and some Americans had offered to furnish coal to enable Mr. Washburn to go up the river.

By Mr. WASHBURN:

Q. What was the motive of the Americans in doing that?—A. I suppose they saw that the minister was treated with indignity, and that it had the effect to bring our country in disrepute with the Argentine Republic; that we were losing very much of the importance which we had already, and which we still held in that country as a nation. After remaining there until December, I was then ordered to repair to Montevideo, and not Admiral Godon, who had returned from Rio. I arrived at Montevideo December 16, 1866. When I went on board to report to him, which was on Sunday, it was about the time of his dinner hour, and he invited me to take my dinner with him, which I did. He then alluded to my having been on terms of intimacy with Mr. Washburn. I told him I had been; that I had visited him frequently; that I liked him, and that I liked Mrs. Washburn. There was nothing else said then, at least the conversation did not go on to any extent on that occasion, it being Sunday. A few days afterwards I was sent down to a place called the English Bank for the relief of an English merchant ship. On my return from extricating the vessel, for which I received a letter of thanks from the English government and the British admiral, Admiral Godon was at Buenos Ayres or up in that direction. He returned in a few days; when he charged me with not having written to him about Mr. Washburn, his conversation, and his movements while I had been acting as the senior officer in the ports of Montevideo and Buenos Ayres. I told him that I did not consider that that was any part of my duty; that my duty was to report to him everything official; but as for writing of Mr. Washburn what he said, or about his movements, or anything connected with him, I never could perform any service of that kind. I said it in considerable warmth, and he charged me with being disrespectful in language and manner. I disclaimed any intention of that kind. He then stated, and he did it very abruptly, as I thought, with a view of drawing me off my guard, that I had advised Mr. Washburn to publish the instructions which he had received in the Buenos Ayrean Standard. Those instructions were to the effect that Admiral Godon should take Mr. Washburn up the river at all hazards. I asked Admiral Godon for his authority for any such statement, and he declined to give it. I denounced the author of that statement and told him, so far from giving any such advice to Mr. Washburn, I happened to be at Montevideo, a hundred miles off, when these instructions appeared in the newspaper, and I had merely glanced over the paper containing them, but had not read the whole of them. I then stated to him that he had on more than one occasion outraged my feelings; that I had no desire any longer to serve in his squadron; that he had upon more than one occasion insulted me. He replied that I should go on board my ship; that he would not put me under suspension. I obeyed the order.

While smarting under this imputation of Admiral Godon, I applied officially to the Secretary of the Navy to be relieved from the command of the United States steamer *Kansas*, assigning as a reason that I had been promoted on the station to a commander, and was therefore entitled to a large vessel; but that I had also reasons of a special character which I would at some future day make known to the department. I forwarded that communication to Admiral Godon, sending it by the cockswain of my boat, and indorsed on the outside of it the subject-matter of it. That application he returned to me because it happened to be Sunday.

By Mr. WASHBURN:

Q. Was it the same Sunday that he had the dance and music aboard his vessel?—A. No, sir; it was some other time; I only heard of that; it did not occur then. I sent the same application to him the next day. By some mistake I had indorsed the subject-matter on the outside of the envelope; there I made a mistake. He then hoisted the signal for me to repair on board; this was in the afternoon. When I went on board I was told by his acting fleet captain, Lieutenant Commander Marvin, that the admiral was taking a nap, and that I should wait there. I was invited by that officer into his state-room or office adjoining the cabin, which invitation I declined to accept. I remained on the quarter-deck nearly an hour before the admiral sent for me. He seemed to be very much excited, very much enraged. He referred to this application of mine. I told him that I had no desire to serve any longer in his squadron. I was standing at that time against the side-board in the cabin, and was perfectly respectful in manner and in language. He spoke of my repeated disobedience of orders, and said that while I was serving in his command I was to understand that I must obey his orders. He accompanied this with an offensive and insulting gesture, shaking his finger in my face. I called his attention to it and he repeated it. I again called his attention to it in these words: "Admiral Godon, you are shaking your finger in my face." He then ordered me in the most peremptory manner to go on board my vessel under suspension. As I was leaving the cabin I asked him if I should transfer the command to the executive officer. He shook his finger again towards me; at that time I was some three or four feet from him; he said that he knew what his duty was, and that I should go on board my ship under suspension. I remained under suspension two days, the first suspension that had ever been inflicted upon me in a naval service of over twenty-six years. By the rules and regulations of the service I was obliged to confine myself to the cabin, about one-third the size of this committee-room. I was not allowed to go to any other part of the ship, except, perhaps to use the water-closet; that was on the upper deck. While under suspension I made a report in detail of this outrage to the Secretary of the Navy. I wish to state, however, that during this time I had orders to proceed to the coast of Africa on a cruise, to visit the ports from the Cape of Good Hope up. I reported all these indignities which I had endured. I attributed them mostly to my friendship for Mr. Washburn, and because I did not conform to the strict regulations of the service, which require the official communications to be sent to the commander-in-chief of the squadron. To protect myself from further indignities which I knew he would visit upon me if I presented this report of his conduct in person, I confided it to Surgeon Wells of the *Shamokin*, requesting him to place the document on board the flag-ship as soon as he learned I had left the port of Montevideo. When I had arrived at the Cape of Good Hope I forwarded a duplicate of the report to the Secretary of the Navy, indorsing upon the outside that the original had been left for transmission to him. I presumed, as a matter of course, that Dr. Wells had taken that communication on board the flag-ship according to my request.

By Mr. WILLARD:

Q. How long prior had you received orders to go to the Cape of Good Hope?—A. A few days before this open rupture took place. After visiting the ports in Africa I returned to Rio, and arrived there on the 21st of July, 1867. I found orders awaiting me which were handed me by Captain Woolsey, who had in the mean time arrived there in the *Pawnee*, that I should fill up immediately with coal and proceed to St. Catharines, and after having remained there ten days or two weeks for the purpose of coaling, exercising the men on shore in batallion drill, and firing at target in the harbor, I was to proceed to a point off Rio Grande in search of a sunken rock, where gales of wind in the winter season were very frequent, to search for that rock for five days of clear weather. I think I must have been two weeks getting that kind of weather, taking soundings. I did not discover the rock, nor has it been discovered to this day; probably it never will be.

By Mr. ORTH:

Q. Is there not a rock there?—A. There had been a report brought into Montevideo by some Brazilian navigator or ship-master that he had seen a rock. But the Brazilian ship-masters are very unreliable. What he saw there, I suppose, was the back of a whale, or a floating log, or a portion of a wreck. On my return to St. Catharines I

received several very insulting, improper, and unmilitary communications from Admiral Godon, alluding to my having forwarded the document to the Secretary of the Navy in an irregular way, and having stopped at the Cape of Good Hope when I had no orders to do so. I stopped there on account of the leaking of my ship. He characterized my report to the Secretary of the Navy of his conduct as an incendiary document, and said that it had been circulated throughout the squadron. On my arrival at Rio, on my return from the coast of Africa, I found a letter from Dr. Wells, returning to me the original report. He stated as a reason for returning it, that if he had taken that report to Admiral Godon, he would have incurred his displeasure. He said nobody had seen the letter but himself, although it was open, as all official letters transmitted through your superior must be. I never had any doubt in my own mind that Dr. Wells had complied with my instructions otherwise, as I had stated in my letter to Admiral Godon I would not have sent a duplicate of it from the Cape of Good Hope to the Secretary of the Navy. The reason why I sent it was that I had heard Admiral Godon say that unless a letter was germane to the subject, although addressed to the Secretary of the Navy, he would not forward it.

Q. Do you attribute this conduct of Admiral Godon to any other cause except your friendship for Mr. Washburn?—A. I am pretty certain there was some *animus* before I joined that squadron. But I had made up my mind to perform my duty, as far as I could do so.

Q. So far as this committee is concerned, we desire only to know so much of this transaction as relates to the matter before the committee.—A. I desire to state that, in consequence of my friendship for Mr. Washburn, I was visited with persecution from the time I arrived at Montevideo until I left the station; that, although I had given these explanations, they were not satisfactory. I produced documentary evidence to show that I had his authority to go to the Cape of Good Hope. He brought up my sending that document; my going to the Cape of Good Hope; my having disobeyed orders, when it was his order that I should report to him after my arrival at Rio. Those orders were so ambiguously expressed that Captain Woolsey understood them to mean that I should remain at St. Catharines. Instead of accepting my statement he sent an order placing me again under suspension. At that time I was suspended nine days because I had disobeyed his orders in stopping at St. Catharines. I was confined again in that small cabin. My health had not been very good since my return from the coast of Africa, for I had had the African fever; but I was obliged to confine myself to those quarters or else be liable to dismissal from the service. The command then fell to the executive officer. By the law, my suspension expired in 10 days, expired at sea, and in five days after that I arrived at Rio, where I found him. As soon as I reported my return in person, carrying with me a detailed account of the service performed since I made out my last report, he met me at the cabin, and, in a very insulting and improper manner, asked me if I had brought those orders on board which he had sent me. I told him that I had not; that I did not suppose it was usual for a person to bring orders to the person from whom they had emanated. He said, "Go and bring those orders." I did so; when I came back he opened again upon me, very much enraged and very much excited, gesticulating a great deal, and spoke of my disobedience of orders; of having gone to the Cape of Good Hope; of having forwarded a document to the Secretary of the Navy with a false indorsement upon it. On this occasion he had Lieutenant Commander Marvin in as a witness of what he said. I have no very distinct recollection of his precise language, but he was very violent and very menacing. I was obliged to submit to it, knowing that if I committed myself he would have me in his power. I remained quiet pretty much of the time. He then stated that he would receive from me any statement on paper, having reference, I suppose, to my withdrawing my application and that report, and that my command would be restored to me. I had no answer to give him; I had referred the matter to the Secretary of the Navy and desired a court of investigation or a court-martial. I was again ordered under suspension; this was the third suspension he had inflicted upon me. The other had expired only five days before. While I was under suspension, General Webb visited the Kansas and found me in that condition. He told me that, knowing Admiral Davis as well as he did, this suspension would be taken out on his arrival. Fortunately for me, Admiral Davis came in and released me from suspension and reinstated me in command after I had submitted a portion of the correspondence I had had with Rear-Admiral Godon. All of this was in the presence of Admiral Godon. He was then about leaving for the United States. Admiral Davis told me that he thought it was best under the circumstances that I should return to the United States; that he would detach me regularly; that I should go home in the *Nipsic*, and that in doing so he wished to do me a personal kindness. He said that I would arrive in the United States free from suspension or any charges that Admiral Godon might bring against me. That was the first intimation I had that Admiral Godon contemplated preferring charges against me. I confessed my surprise to Admiral Davis. He said that he did not wish to have anything to do with Admiral Godon's troubles; that he regretted what had occurred; that he had very pleasant recollections of what had taken place at

the battle of Port Royal, where Admiral Davis was the second in command. I told the admiral that, as much as I desired an investigation into all the charges brought against me and an exposure of the indignities I had endured while under the command of Admiral Godon, I knew very well that if he carried out that order detaching me and sending me to the United States, he would be separating me from my witnesses, who were on that station, and that it was due to me to have this investigation where the witnesses were. But the admiral did not want to be troubled with it. I came home and reported my return to the Secretary of the Navy, and pressed this matter upon Mr. Welles as much as it was possible for a man to do. I courted the strictest investigation into my conduct. Mr. Welles said he was very sorry that our relations had been so unfriendly; that Admiral Godon, in a conversation with him on this subject, had disclaimed any intention of insulting me by his gesticulations; he said that Admiral Godon was a Frenchman; that he was naturally excitable, and that he had gesticulated in that way to him. I told him that I did not think Admiral Godon would dare to shake his finger in his face. Mr. Welles then seemed inclined to order an investigation. I had submitted documentary evidence refuting all the charges. Mr. Welles thought the matter had better drop; that it was unfortunate; that I had better let the matter die out. I told him it was a matter I thought of the first thing in the morning and the last thing at night, and that I would be willing to go out on the station and place myself under arrest for an official investigation into these troubles. He would not consent to that, and, after an interview which lasted half an hour, I left him. I addressed several letters to him after that, and on one occasion was shown unofficially by a clerk in the Navy Department the charges against me, which were, sending up a report, making false indorsements, remaining at St. Catharines, stopping at the Cape, and so forth. That was the first and only time I ever saw those charges. They never were sent to me by the Secretary of the Navy, and probably, without this investigation by the committee, never would have been brought to light. Secretary Welles, when I asked for a court of investigation, said there was nothing on the records of the department which affected my standing as an officer and a gentleman; that he would write me such a letter as I would think to be satisfactory. He dismissed the case and did write a letter characteristic of Mr. Welles, who was disposed not to make trouble. He spoke about the voluminous character of the correspondence; that the reports of each officer were exaggerated; that there was a great deal of feeling, and finally dismissed the case, so that no trial or investigation ever took place.

Q. Have you that letter?—A. I have. Just before the last administration expired I heard that Admiral Godon had never been furnished with a copy of that letter. It was intended to be satisfactory to me, although there were some passages in it to which I took exception; it was a considerable reprimand to me, and also to him. But when a junior comes in contact with a senior the difference in rank governs it to some extent. I have pressed this matter again, upon the present Secretary of the Navy. I have been told by my friends that if the investigation was not granted to me on the ground that it was already disposed of by the Secretary, I would have an ample opportunity to vindicate myself before this committee. That is one reason why I have gone so fully into the nature of the indignities I have endured.

By Mr. WASHBURN:

Q. Do you know what was the reason for the antipathy of Admiral Godon to me?—A. I had reason to believe that it was from the fact that Mr. Washburn showed so much desire to reach his destination, wrote to him so frequently upon the subject, and also that the admiral ignored pretty much everybody out there holding official position who differed with him.

By Mr. WILKINSON:

Q. Did you ever hear him use any discourteous or improper language in regard to Mr. Washburn?—A. Unless the committee insist upon it, I would decline to answer that question.

By Mr. ORTH:

Q. Why do you decline?—A. Because he did make use of an expression such as no naval officer should make use of, and, for the sake of the service, I would prefer not to answer that question.

Q. You are not a voluntary witness at all. These questions are put to you by the committee, and it is for them to judge of the propriety of the questions. Any answer you may give here would not implicate you in any way, for the reason that it is the act of the committee, and not your act.—A. Then I am to understand that you insist upon a categorical answer to a categorical question?

Q. We would like to have it in order to show the *animus*. There is some reason why this transaction has assumed this peculiar phase.

By Mr. WILLARD:

Q. You will state the time when it happened?—A. It occurred on or about December 16, 1866, on my return to Buenos Ayres, when I went on board the ship, on Sunday, to report to him my arrival from Montevideo. It occurred at his dinner table.

By Mr. WASHBURN:

Q. On Sunday?—A. Yes, sir. In speaking of Mr. Washburn, he called him a damned son of a bitch. I made no reply; I ate my dinner in silence, and shortly afterwards left.

By Mr. WILKINSON:

Q. You think his enmity grew out of your friendship to Mr. Washburn in a very great measure?—A. Yes, sir; it brought it to an open rupture.

By Mr. WASHBURN:

Q. What was the general feeling in the squadron towards the admiral and towards me among the officers?—A. I never heard any officer speak in an unfriendly manner of Mr. Washburn. I think he had the good wishes of all the officers.

Testimony of Captain Thomas H. Patterson.

WASHINGTON, D. C., April 19, 1869.

THOMAS H. PATTERSON, captain United States navy, sworn and examined.

By Mr. ORTH:

Q. How long have you been connected with the navy?—A. I have been in the navy 33 years.

Q. Where were you employed during the years 1865 and 1866?—A. I was on the blockade of Charleston until June, 1865. I was on leave from the last of June until the 19th of September, 1865; I was then ordered to the command of the Brooklyn, and sailed from New York the latter part of October for the coast of Brazil, to join the squadron under the command of Admiral Godon. I reached Rio about the middle of January, 1866.

Q. What vessels then composed the squadron?—A. I did not find any vessels of the squadron in Rio at that time; the Kansas and the Juniata belonging to the squadron had been sent out to search for me, the ship having been reported lost. They returned to Rio before I left; I left there early in February, stopped at St. Catherines to coal, and proceeded to Montevideo, where I arrived about the middle of March.

Q. Was there plenty of coal at St. Catherines?—A. About a thousand tons.

Q. For what business was that coal there?—A. It had been deposited there, I think, during the war; I am not sure how long it had been there; it was government coal, anthracite. From St. Catherines I went to Montevideo, as I stated, where I reported to Admiral Godon on board the steamship Susquehanna, which ship the Brooklyn relieved; he transferred his flag to the Brooklyn, and in the course of two or three weeks afterwards the Susquehanna left for the United States, and the Brooklyn remained the flag-ship of Admiral Godon while he was in command of the squadron, and he returned to the United States in her.

Q. You have had command of her during the whole of that time?—A. Yes, sir.

Q. Where did the Brooklyn go during that fall and summer?—A. In the month of May she went to Buenos Ayres, from which point the admiral went up the Uruguay river in the Wasp; I do not know exactly how far he went; he did not inform me where he was going.

Q. You never learned from him where he went on that visit?—A. I heard him make some allusion to General Mitre in connection with that visit.

Q. Did he make any allusion to General Urquiza?—A. He did not.

Q. Were there any American interests there needing the protection of the navy?—A. There was an American house at Higueritas.

Q. Did you ever hear him speak of Mr. Kirk advising him not to go?—A. I landed in Buenos Ayres after he had left. I received a communication for the admiral while he was gone; I inquired who it was from, and was told that it was from the Brazilian special envoy; that letter I forwarded to Huegeritas by mail; I do not know the contents of it; they said it was important.

Q. Did Admiral Godon never allude to the contents of that letter in your presence?—A. No, sir, that I recollect, after he returned from his visit up the Uruguay.

Q. To what point did the Brooklyn proceed?—A. I returned to Montevideo, leaving the admiral at Buenos Ayres, or still up the Uruguay, I do not remember which; he rejoined my vessel in the course of a week or ten days afterwards. From Montevideo, in May or June, we went to Rio, and from there to Bahia; from that point we went north 1,200 or 1,400 miles.

Q. What was the object of your visit on this occasion?—A. I do not know that there was any specified object more than to visit one of the ports on the coast and indicate our friendly feeling. The Brazilian flag had been saluted there by order of one of our

men-of-war, and we followed that vessel very soon afterwards and found her there when we arrived.

Q. What had that salute to do with your paying the visit?—A. I do not know that it had anything, directly; it seemed to be a mere ordinary visit of a man-of-war to one of the ports of his station; I think we remained there two weeks or upwards; we had a long passage to Bahia, I think 18 days; we sailed a great deal on our return trip, and it must have been as late as August, or later, when we left Bahia. We then returned to Rio, and I was sent off 60 or 70 miles southward to practice, and was absent 10 days perhaps, when I returned again to Rio. We remained in Rio then until late in November, if I am not mistaken.

Q. Was there any special necessity of remaining that long, that you know?—A. None that I know of. Late in November we returned to Montevideo, reaching there, I think, the latter part of December.

Q. When you reached Montevideo where was Captain Crosby with the Shamokin?—A. I cannot say whether he was in Montevideo or Buenos Ayres; he was in the river somewhere.

Q. Had he returned from his visit to Paraguay?—A. I really cannot say; I do not think he had returned when we arrived; I never met Captain Crosby until I met him in this committee-room in Washington.

Q. When did you first know of his being in Montevideo or Buenos Ayres, on his way to Paraguay?—A. I knew of it in March, 1866, when I first reached Montevideo; I was told of it by Admiral Godon.

Q. What did Admiral Godon say to you in reference to Minister Washburn at that time?—A. I do not know that he ever said anything to me directly; in conversation with others, he has spoken freely in my presence; he said Mr. Washburn had applied for passage in one of the vessels of the squadron to go to Paraguay, and the only reason assigned for his refusal to take him was, that he had no vessel in proper condition which could carry a sufficient amount of coal. I did not know Mr. Washburn personally, and took very little personal interest in the matter.

Q. What did you ever hear Admiral Godon say of Mr. Washburn as to his character as a public minister or as a man?—A. I never heard him use any harsh language. I have heard him make use of this expression, that he did not attach any importance to his going to Paraguay. I have heard him say Mr. Washburn was not a man of intelligence, but that was so common an expression of Admiral Godon in speaking of people, that I did not think anything of it.

Q. What have you heard him say in regard to American ministers generally? Did he speak of them favorably or unfavorably in your presence?—A. I never heard him speak unfavorably of them; I think he was favorably impressed with Mr. Kirk.

Q. He regarded him as a man of intelligence?—A. I never heard him say he was not a man of intelligence; he always spoke very pleasantly of him. The admiral and General Webb seemed to be on very excellent terms until a very few days before we left Rio the last time, and General Webb was a guest on board our vessel for about a week at one time.

Q. Have you ever been up to Asuncion?—A. I have not.

By Mr. SWANN:

Q. Did the admiral ever manifest any hostile feeling towards Mr. Washburn?—A. Never in my presence.

By Mr. WASHBURN:

Q. Did the admiral speak to you ever in regard to sending a gunboat up the river under sail? And would it not require three times as much coal to go in that way as to go directly by steam?—A. I do not know whether the river was winding or not; if the turns were frequent and sharp, it would require less coal to go up under steam all the time; you could not save anything by using sails.

By Mr. ORTH:

Q. When you say Admiral Godon made objection to taking Mr. Washburn on account of the small quantity of coal the vessel carried, what vessel had he reference to?—A. The Wasp.

Q. Do you know the capacity of the Wasp?—A. At that time she had very inferior accommodations; I do not know anything as to her capacity for carrying fuel.

Q. The Wasp came from Liverpool to Rio, did she not?—A. Yes; but in making that passage she would stop at Madeira, and at the Cape de Verde islands; still I do not suppose there was any serious question as to her capacity for carrying coal on a trip to Paraguay. We had no coal depots on that river, but there was an abundance of coal at our stations; there was a very large depot of coal at Montevideo. The coal at Montevideo and Buenos Ayres was not the kind of coal ordinarily used for steamers, but was such as we could very well have used

By Mr. WILLARD :

Q. Was there a depot of American coal at Montevideo?—A. Yes; and I suppose there was at Buenos Ayres; I cannot positively say as to that. I know that mail steamers were in the habit of going backwards and forwards, and I suppose coal was to be obtained there of the proper kind and quality.

Testimony of Charles A. Washburn.

WASHINGTON, D. C., April 19, 1869.

CHARLES A. WASHBURN, recalled and examined as follows :

By Mr. ORTH :

Question. What do you know, of your own personal knowledge, in reference to the supply of coal at Montevideo, and in points on the Paraguay or Uruguay rivers?—Answer. I have been up and down the river a great many times from Paraguay. There was always a large quantity of coal at Montevideo; as much so, according to my belief, as there is at Brooklyn, Philadelphia, or Boston. It is the intention of the coal dealers there to keep a supply equal to any emergency; sometimes the supply becomes short, but it is only for a few days. There is coal in abundance at Buenos Ayres, at Montevideo, and then at Rosario, 300 miles above Buenos Ayres, there is always coal. I think I never passed Rosario in a steamer (and I have passed it 15 or 20 times) that the steamer did not take in coal there; I do not remember of there ever being any scarcity; the supply there was, I think, of English coal. At Parana, about 150 miles above Rosario, there is another coal station; and there is still another point between that and Corrientes. In regard to taking a steamer up that river without burning coal, the idea is purely ridiculous; it would require, very likely, three or four months to make the trip; the river is very winding, in some places eight or ten miles broad, looking like a succession of lakes; the channel is tortuous, and you seem at one point to be landing into an island in this direction, and then into another island in that direction, to all points of the compass. The idea of going up in a sailing vessel would be perfectly absurd. I have here a rough sketch, showing the situation of the various points up the Paraguay river to Asuncion. When I arrived at the mouth of the river at Buenos Ayres, the squadron of the allied forces was not then at Corrientes, but was scattered along the river. I waited for the admiral to send me up about two and a half months, when I went up to Corrientes alone, and found the squadron there.

Q. What special object was there in blockading that river? Had the Paraguayans any vessels at all?—A. They had. The object, however, was particularly to prevent supplies from going up there. They had allowed a French and an English gunboat to go up through what they call their blockade before I reached there. I, of course, did not appeal to Mr. Kirk to get permission for our gunboat to pass, until I found out whether the admiral would send one, as it would place us in a ridiculous light to ask permission for a gunboat to pass, and then find the admiral would not send a gunboat. When President Mitre told me they had no right to stop me, I returned to Buenos Ayres to get a letter from the minister of foreign affairs; but unfortunately, the steamer on which I started to go back ran aground, and was delayed so long that when I returned the squadron had left from opposite Corrientes. The armies had commenced active operations, and President Mitre told me that circumstances had changed, so that it would be necessary to consult the allied authorities again before permission could be granted. When I first went to Corrientes, Admiral Tamandaré and President Mitre both stated they would have no right to stop a gunboat from going up, and as I have stated, when I returned circumstances had changed. Indeed, I had waited for Admiral Godon four months before the decision was made again not allowing me to go through.

By Mr. WILLARD :

Q. Did these French and English gunboats, to which you have referred, have special permission from the Argentine government to pass up the river.—A. I do not know as to that. It would have placed me, of course in a ridiculous position for Mr. Kirk to have obtained permission for a gunboat to take me up, when the admiral refused to send me. The admiral did not refuse to send me, but on the contrary led me to suppose he would do so until the middle of January, and I did not therefore write home for instructions. He delayed me by his course in this way, so that it was just one year from the time I landed in Buenos Ayres until I landed in Paraguay. And all this trouble, it seems to me, has arisen from that.

EXHIBIT I.

Mr. Webb to Mr. Washburn.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, October 22, 1866.

SIR: Admiral Godon has just shown me a letter from you dated Buenos Ayres, October 1, but which left that port on the 12th, after the arrival of the English steamer Arno in the river, upon which our recently appointed minister to the Argentine Republic was a passenger. In that letter occurs the following paragraph:

"On the receipt of that letter, (your dispatch to Mr. Seward,) still stronger instructions were sent not only to me, but to our minister at Rio, Mr. Webb, and our minister, who it was supposed would be here before this time, Mr. Asboth. Peremptory orders were given to the two latter that if my detention was continued, and if within six or eight days satisfactory explanations were not given them, they were to ask their passports to return to the United States, if the hindrance alluded to had not ceased through some proceeding on the part of the allied powers. *No proceeding to cause such hindrance to cease has yet been made* by the allies; and from the fact that Mr. Asboth has not yet arrived, whose action with that of Mr. Webb was to have been concurrent with my own, I am yet obliged to remain here, to await still further instructions, unless in the meanwhile you shall furnish me a vessel of war, and it shall be allowed to pass up to Paraguay."

It would appear from the foregoing, that my letter of the 22d of August, which must have arrived at Buenos Ayres on the 28th of the same month, has not reached you. Since then, *three* mail steamers have sailed from Buenos Ayres and duly delivered their mails at this city; but no acknowledgment of my official letter to you has been received, and of course, the inference is irresistible that it did not reach you. This inference would seem to become a *fact*, when you inform Admiral Godon "*that no proceeding to cause such hindrance to cease has yet been made.*" But, then again, the accuracy of this statement is directly called in question by the fact set forth by you in the preceding sentence of your letter, viz: "My instructions also were to return to the United States if the hindrance alluded to had not ceased through some proceedings on the part of the allied powers."

The question then arises, why you have not obeyed those instructions and returned as instructed, to the United States, within the time to which we were limited, if, as you gravely informed the admiral, "*no proceeding to cause such hindrance to cease has yet been made by the allies.*" If this be so; if my letter of the 22d of August, advising you that all such hindrance and obstruction to your repairing to your post of duty had been withdrawn, not only by Brazil, but by the allies, did not reach you, I cannot understand under what possible reading of our respective instructions you could have remained in the river, or have asked of Admiral Godon a vessel of war or "a portion of his squadron," to convey you to Asuncion.

True, at the first blush of an affair in which the allies were so manifestly in the wrong, our government very naturally determined that you should be conveyed to your post of duty by our squadron at any and every hazard. But it would seem, that from considerations of our strength and the weakness of the three powers at war with Paraguay, this decision was reversed; and instead of war, a suspension of diplomatic relations was determined upon. And in the contingency, which you say has actually and offensively occurred, a continued refusal to permit an American minister to pass the military lines of the allies, your right to ask for a vessel of war to convey you to Asuncion, and the right of Admiral Godon to force those lines, was distinctly *revoked*, and you as distinctly and peremptorily ordered to return to the United States. I received similar instructions, but in no possible event were my movements made dependent upon yours; nor could they, as you allege, have been "concurrent." I was directed to demand of Brazil that all let or hindrance to your passage to Asuncion should be at once withdrawn; and if not, then to demand my passports and return home. I did make such demand, although it had been peremptorily refused only a few days previous. Such refusal, no matter how offensively made, could not be considered by me any excuse for disregarding my instructions from our common chief, and therefore, while a peremptory refusal to permit you to pass was made by Brazil in her own name and on the part of the allies, and while that refusal was on its way to the United States, instead of considering it a bar to further action on my part, I *demand*ed that your rights should be respected. To that demand, made in obedience to orders, while the ink of the previous peremptory and offensive refusal was scarcely dry, I received the fullest written assurance that the previous action of the allies would at once be reversed, and that you were at full liberty to pass their military and blockading lines, on your way to your post of duty, whenever you thought proper to do so. That withdrawal of all hindrance to your passage to Asuncion I communicated to you on the same day, August 22, and beyond all question my letter reached Buenos Ayres

on the 28th of the same month. And so important did I consider the reversal of the action of the allied powers, that I forwarded on the 24th of August to Mr. Adams, in London, the substance of my letter to you, to be telegraphed across the Atlantic to the government of Washington.

But suppose that, in consequence of the previous peremptory and offensive refusals, I had not made any such demand as that which both you and I were ordered to make, or suppose the demand made had again been refused; what then? Why, I should have returned to the United States by the first conveyance, well knowing that there was no such thing as "concurrent action" with you or General Asboth contemplated, but that each of us were *ordered* to do our duty irrespective of the others, and that we were invested with no discretion to refuse obedience to such order by reason of any possible previous discourteous actions toward us, on the part of those to whom we are respectively accredited.

And that which was clearly my duty in the premises, was, most assuredly, your duty under your equally plain and significant instructions. If you did *not* receive my letter of the 22d of August, advising you that all obstructions by the allied powers, to your passing up the Paraguay, had been removed, and if, as you advised Admiral Godon six weeks after my letter should have reached you, and a longer period after you were ordered to return to the United States in a certain contingency—if, I say, as late as the date of your letter to the admiral, "no proceeding (of which you are advised) to cause such hindrance to cease has yet been made by the allies"—then, beyond all peradventure, you should long since have returned to the United States, and you had no authority whatever, to ask or demand of Admiral Godon a vessel of war to convey you to Asuncion. That authority was revoked when our government decided upon a suspension of diplomatic intercourse instead of war, for the forcing of a blockade is war; and instead of calling upon the admiral to send you to Paraguay, it appears self-evident to me that your duty was to have returned home without any unnecessary delay. I rejoice, however, very sincerely, that there existed not the slightest necessity for your so doing; and I again officially advise you, that on the 22d day of August, notwithstanding its previous peremptory refusal to do so, the government of Brazil authorized me to communicate to the government of Washington, for itself and in the name of its allies, that all obstructions to your passing to your post of duty in Paraguay had been removed.

I regret exceedingly that my letter of the 22d August, conveying to you this intelligence and also Admiral Godon's letter, apprising you that I had officially communicated to him the important fact contained in my letter of 22d August, should have *miscarried*, and that by the steamer which left Buenos Ayres, more than six weeks after you should have received my letter, you should have informed Admiral Godon that there has been no change in the offensive and illegal action of the allies. That you so thought, I cannot for a moment doubt, but that is entirely the result of a grave misconception of your instructions. You and I were respectively *ordered* to demand that all obstructions to your going to Asuncion should at once cease, and unless our demand was promptly acceded to, we were instructed to return to the United States. Both of us had been peremptorily and discourteously refused a precisely similar demand within a few days of our receiving the final instructions alluded to. Both, unquestionably, experienced the same feelings at being ordered to do precisely that which we had just done without success. But I, as an old soldier, at once bottled up my pride, tried to discharge my duty, and obeyed the order, while you, consulting your *feelings* instead of your *duty*, refused to renew your demand, and so informed Admiral Godon. In so determining, and neglecting to follow out both the letter and spirit of your instructions, you have for nearly two months remained in ignorance of the fact, that beyond all question, if you had followed out the course indicated to us by Mr. Seward, you would not now be laboring under the extraordinary miscarriage of my letter of the 22d of August, and Admiral Godon's letter advising you that I had officially communicated to him the substance of my very important letter of the 22d August.

A copy of that letter you will find inclosed.

Very respectfully, your obedient servant,

J. WATSON WEBB.

His excellency CHARLES A. WASHBURN,

United States Minister Resident to Paraguay.

P. S.—The fact that you, Mr. Kirk, and I, were all ordered home, in the event of the obstructions to your proceeding to Paraguay not being removed, was a state secret, known only to you and to myself. I confined it as a "state secret" strictly to my office, not even communicating it to our consul here. Not a whisper of what had occurred ever got before the public, but on the return of the steamer from the river it was known to everybody, and had been *published* in the press of Buenos Ayres! Of course this government was exceedingly irritated, and I am annoyed at such a proceeding, and of course you were very generally censured for having made or *permitted* such an unnecessary exposure. It was known to this government and to me, that Mr. Kirk had gone home; and consequently that you only, at the river, could have received

the information and promulgated it. Here, it did not get out of my possession and the possession of this government, and you may judge, therefore, of their astonishment and indignation at the public being apprised through the Argentine press, that, to use their own language, "they had been *bullied*" into permitting your passage through their lines. In addition to this, it was stated to this government and written to me from the river, that you publicly boasted of your intention to *force* their line of blockade with the United States squadron on this station.

To all this, and the annoying complaints made against you by this government, I could only urge that, *most probably, some friend in whom you had imprudently confided had betrayed your confidence.*

WEBB.

EXHIBIT J.

LEGATION OF THE UNITED STATES,
Asuncion, April 3, 1867.

SIR: Your very long letter dated October 21, 1866, was received by me on the 23d ultimo. Had you quoted any law or cited any order or regulation of the State Department by which you were constituted my censor and were authorized to lecture me on my official shortcomings, you would have done me a great favor. I had previously supposed that I was only responsible to our common chief, the Secretary of State, for my official acts, but I was doubtless wrong in that, for without due authorization from the government, you, "as an old soldier," would not have written a letter to me the propriety of which might be questioned. But as the letter is written and received and a copy has doubtless been sent to Washington for no other object, as I can see, but to prejudice me at the department, I must in self-justification reply to it.

The occasion that seems to have called forth this extraordinary indictment is a letter from me to Admiral Godon dated October 1, 1866. Why the admiral did not answer his own letter I know not. Whether his temper was too much ruffled or he felt he was not adequate to defend himself, or whatever may have been his motive for calling in your assistance, I do not fail to appreciate the compliment you pay me when you, a veteran diplomatist, envoy extraordinary and minister plenipotentiary, and the admiral of the squadron, unite your ponderous intellects to overthrow and confound one unpretending minister resident. Indeed "'tis a fearful odds," but as "thrice is he armed who hath his quarrel just" and as my only defense will be a simple statement of facts as they transpired, I warn you beforehand to "mark now how plain a tale shall put you down."

It was the 25th of January of last year that I left Buenos Ayres to make my way to Paraguay. It was not till about the middle of that month that the admiral gave me a definite answer to the question whether he would send me up on a national war vessel or not. When I met him at Rio in the month of October preceding, he had said that he would do it if the usual channels of communication should be found closed, but when he reached the Plate he at first hesitated, quibbled, and chattered, and finally when he reached Buenos Ayres on the 14th of January, he positively declined to send a gunboat. So on the 25th I took passage on a merchant steamer, leaving my wife with some friends in Buenos Ayres. I made my way to Corrientes and thence to the headquarters of the army, when I told President Mitre I desired the usual facilities to pass through the lines to my post. His reply was that in his opinion I had a right to go through, but it was a question for his government rather than himself to decide. He would at once refer the matter to it and as soon as he should get an answer he doubted not I could pass through with every convenience provided. I replied, "If that is the case I can go down to Buenos Ayres, and if your government agrees with you I can return with Mrs. Washburn in the same time that you are waiting for the reply of your government." So I returned to Buenos Ayres and had a conference with Señor Elizalde, the minister for foreign relations, and he said the government were of the same opinion as President Mitre, and he accordingly gave me a letter to the latter requesting him to furnish me all the facilities for passing through that the government had promised me.

With this document I came back to Corrientes, and from there I went to Paso de la Patria, where I asked the minister of war, Gelly y Obes, to take me to President Mitre's camp. He said the president would come to the Paso the next morning and I could see him there. He did not come, however, but sent Gelly y Obes to me with a request that I should first see Admiral Tamandaré, with whom matters could be arranged as well as with himself. So I went on board the flag-ship, when the admiral told me I could not and should not go through under any circumstances. He said his orders were to stop any and everybody, and he had a perfect right to stop me, as was acknowledged by Admiral Godon in an interview he had with him while in Buenos Ayres. I then went to see President Mitre, and gave him Elizalde's letter. But he declined to respect

it. He said circumstances had changed since I was there before and he must again consult his government before he could give me a final reply; and he kept me there in Corrientes for five months waiting his answer. At length, after repeated evasions and requests for more time, now to refer the matter to his government, now to await the arrival of the Brazilian special envoy, and then again on some other miserable pretext, I determined to stand it no longer. So I wrote to him a letter reciting his evasions, quibbles, and general bad faith, and concluded by making a protest not only against my detention, but against the disingenuous, tricky way in which it had been effected. I sent this letter of a Sunday morning and the next Wednesday at noon I received dispatch No. 43 from Mr. Seward, (a copy of which was sent to you,) in which I was instructed if, after proper and respectful application, I was still refused the facilities for passing through to Paraguay, I was to apply to the admiral for a war vessel and the necessary convoy to take me to my post. The same day, at 4 p. m., I received President Mitre's reply to my protest, the same which you stigmatized in your letter of August 21, to Senhor Andrada, as "more remarkable for its special pleading than for its friendly or logical conclusions." You will recollect that President Mitre in this letter to me, after his labored "special pleading," in which he lays great stress on the fact that Admiral Godon had distinctly admitted that the allies had a perfect right to stop my passage, concludes by saying that the correspondence on his part must there close. Now under those circumstances what was I to do? Had I desired notoriety or sought to aggravate the case in which they had got themselves involved by their own folly and with the approval of our admiral, I should have written him again the next day, telling him that if he did not back directly out of his position and send me through without any more hesitation or delay, I was authorized to force his blockade with the whole American squadron, if necessary, and should certainly do it; he must and would have answered that he was not to be bullied in that way. My idea was that it was not best to renew my demand till the gunboat was ready, and then they would see that if they still persisted it was and must be war. By so doing I gave them a chance to retreat and thus saved our government from the necessity of a serious difficulty. I had every personal motive to follow the other course. I had been treated with great discourtesy by Minister Octaviano, and subjected to infinite annoyance and disrespect by President Mitre, but I knew it was not the interest or desire of our government to become a party to this war, and so that the national dignity were vindicated, as it would be by my going through on one of our own war vessels, I knew it was my duty to smother all feelings of personal wrong or private resentment. And yet you tell me that in doing so I was "consulting my own (your) feelings instead of my (your) duty."

I therefore returned to Buenos Ayres, and on my arrival there I found that the substance of my instructions had already been published some days before in the newspapers. How the information was obtained I know not. There were but three persons who could have had it direct from our government, you, Admiral Godon, and myself, and it was a physical impossibility that it should have come from me. And these instructions were as much confidential as those that came afterwards, and which you say in your postscript were a "state secret." The responsibility for that publication must, therefore, rest with you or the admiral.

But on what authority do you say that either of those dispatches was a "state secret?" Nothing of that kind appears on the face of either one of them. Neither of them is marked confidential, and I have no reason to suppose that the Secretary of State desired the matter to be kept secret or regarded as confidential. On the contrary, I know he did not; for in his dispatch to you, No. 180, dated September 23, 1866, he says that, "although you have marked one of your dispatches touching on the subject of my detention 'confidential,' you will please inform the government of his Majesty that I (Mr. Seward) am not able to allow it to maintain that character."

The first instructions from our government, directing that in a given contingency the blockade should be forced, having thus been made public, I knew of no reason for keeping silent in regard to those subsequently received, in which we were all ordered to return to the United States in the event that all opposition to my passage was not promptly withdrawn. You speak, however, of the great astonishment and indignation of the Brazilian government that the public should learn through the Argentine press that they had been "bullied." But they were bullied, as you know, and I know, and everybody knows. They never yielded gracefully, or admitted they were wrong. On the contrary, they insisted all through that they were right, and the last thing they did was to protest. Are they ostriches to stick their heads in the sand and then think they cannot be seen? If not, what do they complain of? You wrote me in a former letter that when the French admiral complained of favoritism, the reply was: "There was no favoritism in what we did; the knife was held at our throat and we yielded to compulsion." And yet they want people to think they did not yield to force—they were not bullied! Undoubtedly they were greatly mortified at the absurd and ridiculous figure they had made throughout the whole transaction. And so they ought to be made to feel; and they certainly had no reason to expect that I would put myself out to spare their tender sensibilities. Had not I at the commencement of the war delayed my

return to the United States for nearly two months, in order that their minister, Viana de Lima, might have safe and comfortable egress from the country? Did I not have a sharp and prolonged correspondence in his behalf, telling President Lopez to his face if he did not allow him (Viano de Lima) to leave, I should demand my own passports? Of what I did then you and the Brazilian government are already informed; but you may now know that Lopez has never forgiven me yet for the part I then took. And what return have they made me? Certainly you must admit it has not been such as to entitle them to any particular gratitude or consideration from me.

The chief count in your indictment, however, seems to be that after I had or should have received your note of August 22, telling me that the Brazilian government had issued instructions to its representatives in the river Plate, withdrawing all obstructions to my passage, I wrote to Admiral Godon saying that no proceeding to cause such hindrance to cease has yet been made by the allies. That statement, made at the time on belief, is now re-asserted on absolute knowledge. That the Brazilian government promised you that they would have all obstructions withdrawn, of course I could never doubt for a moment. But with all deference, I must be permitted to believe that I knew the people I had to deal with as well as you did; I knew they did not mean that I should pass if anything short of war with the United States could prevent it. I knew they had not kept faith with me in any respect from the start. When I first arrived at Buenos Ayres, Octaviano supposing that I should otherwise go up on an American gunboat, to which the allies were adverse, offered to send me up on a Brazilian steamer. I declined the offer for many reasons, saying that it would be better for me to go on an American war vessel. But when Admiral Godon reached Buenos Ayres, and I found that he would not send me through as he had promised while at Rio, I wrote a note to Octaviano, intimating that I would accept his previous offer. He did not condescend to answer the letter. He had found Admiral Godon was "all right," and what did he then care for a helpless minister resident, repudiated by his admiral, and who could not hear from his government till, in all probability, the war should be over.

After this I went twice to Corrientes. With what result I have already informed you. Rebuffed and repulsed on all sides, I reached Buenos Ayres on the 7th of August. And now you will probably say that I should have then again applied to the Argentine minister for foreign relations, and not have written to the admiral for a vessel from the squadron till I had received a negative reply. I had no doubt then, and have none now, that if I had so applied to Elizalde he would have given me just as good a letter to Mitre as he had done six months before, and that if I had taken it and returned to headquarters with it, it could have been treated with precisely the same respect. The idea of a minister of a government at least respectable being batted about like a shuttlecock, begging and supplicating for his clearest rights, was too much for me, and I was determined that if I returned again it would be in a way that my official character should be respected.

I therefore wrote to the admiral for a vessel of war, and after waiting till near the end of September I got an answer declining to furnish it. What then was I to do? Should I return to the blockading squadron and ask to be passed through. Though I had your letter in which you had stated that orders had been given for the obstructions to be withdrawn, I then thought and now know that Tamandaré would not have allowed me to pass the blockade. In this embarrassing position I thought it was my duty, before forcing things to a crisis, to await the arrival of General Asboth. Had I left for the United States before his arrival, as I would have been perfectly justified in doing, he would have been even in a worse position than I had been. Fortunately he came before I had left or had given the allies a chance to refuse me again, and the same steamer that brought him brought the orders from the admiral to Captain Crosby to take me to Paraguay on the Shamokin.

As soon as the vessel was ready for the trip I embarked with my family, and great was my surprise when we reached the Tres Bocas and came to anchor just below the squadron, to be told by the Brazilian officer commanding the lowest gunboat of the blockading fleet, and who immediately came on board the Shamokin, that we could go no higher; that the orders were imperative to stop any and everybody, and no counter-instructions had been received. Captain Crosby replied that his orders were to go through to Asuncion, and he wished to send a letter to Admiral Tamandaré advising him of the fact. The commander offered a steamer to take an officer from the Shamokin with the letter, and the same evening they started for the flag-ship. The admiral took the letter and replied it was impossible for the Shamokin to pass, or anybody on board of her. The orders from his government were to stop absolutely and entirely all communication with Paraguay, and he had no counter-orders, and had never had a word from the Brazilian government either in regard to the passage of the Shamokin or myself. He said, however, he would come and visit me the next morning on board the Shamokin. With this report the officer, Lieutenant Pendleton, came back, and arrived on board about 3 o'clock in the morning. Now then a collision seemed imminent. Captain Crosby had peremptory orders to go through, and Admiral Tamandaré had as imperative orders to stop him. Evidently somebody must give way or there

would be a fight. The Shamokin was ready for the latter alternative, and we awaited the coming of the admiral to see if the brave words would be followed by corresponding actions.

At about 11 a. m. he came on board, and his story was the same that he had told Lieutenant Pendleton. He had received no orders in regard to my passage, or that of the steamer. The only information he had received on the subject was contained in the copies of your letter to me of August 22d, and of a letter from Admiral Godon either to Crosby or myself, stating that the Brazilian government had promised that all obstructions to my passage should be withdrawn. But not a word of advice or instruction had he received from his own government. And this, you will recollect, was in November, four months at least after the Brazilian government had begged Admiral Godon not to send his orders for a gunboat to go up the river until they could have time to send forward their instructions in advance to their subordinates in the Plate; advising them of the withdrawal of all opposition to my passage. And Admiral Godon, you will recollect, was so anxious to favor them in that respect that he took a cruise to the northward, so that no letter from me asking for a vessel could soon reach him. And yet, after all this, after they had assured you so explicitly that all obstructions were withdrawn; after having bamboozled Admiral Godon, or arranged with him in an interview "entirely private and confidential" to violate the spirit of his instructions by procrastinating and going off in the opposite direction, Admiral Tamandaré said that not a word or hint or line had ever been communicated to him on the subject. This statement may perhaps convince you that by pursuing the course I did, I achieved the object of our government; I reached my destination, I vindicated my right to pass the military lines, I put the allies in the wrong, and compelled them to concede a right which they at first refused; I showed them that the American flag must be respected, and that if they ventured to infringe on the rights of an American minister they must eat humble pie afterwards; and all this I did without involving our government in any more serious question with the allied powers than that of the personal damages I have suffered, and the indemnification to which I am entitled. The domestic question between the admiral and myself must be decided by the proper tribunal, as provided for by the laws of the United States. But that can in no way affect our foreign relations, unless the Brazilian government should take it as an affront that an American admiral, who has served them so faithfully and "confidentially," should be put upon his trial.

You appear to think it very strange that after receiving your letter of the 22d of August, (which I acknowledge I did receive in due course of mail,) I should write to the admiral that no proceedings had been taken by the allies to cause the hinderance to my passage to cease. I attached no value to that promise on the part of the Brazilian government, and subsequent events showed I was right in that. Stronger and more definite promises had been made to me before by the allies, and were broken without scruple. Besides, I had written to Admiral Godon for a vessel before the receipt of that letter from you, and at the time I was not aware that the Brazilian government had even made you a promise to withdraw their obstructions. My second letter to the admiral, which you have undertaken to answer for him, written after the receipt of that letter from you, was not written, as I then said, with any view to influence his action, but to show that I had done all that, under the circumstances, I could do to effect my passage without the aid of a national war vessel, and to remind him that it would be just as well if he would confine himself to his own legitimate duties, and not interfere in questions that do not concern him, and of the merits of which he is as ignorant as he is of social courtesies. My letter asking for the gunboat was written on the 8th of August, 12 days before yours, and before I received the subsequent instructions, directing me in a certain contingency to return to the United States; and yet you express wonder that I could have remained in the river Plate or have asked of Admiral Godon for a vessel of war or a portion of the squadron to convey me to Asuncion. I never did anything of the kind after receiving the dispatch directing me under given circumstances to return to the United States. Those circumstances were such that had they occurred, I should have been obliged to return home, and the same circumstances that would have required me to return would have required you and General Asboth to do the same, and though we should all have acted independently, yet the same offensive course persisted in by the allies would have required us all to do the same thing—that is to return to the United States; so that though acting separately our action would have been concurrent. But you say in no possible event were your movements made dependent on mine. Now suppose that when I arrived at the Tres Bocas and Admiral Tamandaré came on board the Shamokin and told us we could not go through, that his orders were to stop us, and then supposing I had replied that I would not force the blockade but return to Buenos Ayres, and had actually done so, and thence gone to the United States, what then would you have done? Would you have obeyed instructions framed for a contingency much less provoking and insulting than that? Would you have demanded your passports, or would you have asked for further explanations?

It is to be regretted that a man of your large experience and high position should take

it upon himself to advocate so bad a cause as that of the admiral. And that such attempt to justify and screen him at my expense, and to my detriment, should proceed from one who has long professed the warmest friendship for me, is not only cause for regret but of surprise. He has been the cause of all this trouble. Had he acted with that alacrity that becomes a naval commander, he would have sent a gunboat up the river immediately on my arrival, when there would have been no obstacle in the way, and the vessel could have come up and returned in two weeks, and there an end of the matter. But if he did not feel authorized to do that without orders from the Navy Department, he should have told me so while at Rio in October, 1865; then I could have written from there and the necessary instructions would have reached Buenos Ayres by the middle of January; and it was not till then that he said he would not send a steamer. I could not then think of waiting four or five months longer for instructions to come out, without, in the meanwhile, making an effort to reach my post in any way that might offer. The result of those efforts you are already informed of. But the whole difficulty was caused by the strange conduct of the admiral. And having, through his conceit or bad temper, or stupidity, got himself into an awkward position, I do not blame him for enlisting your able pen to extricate him. My only surprise is that you should employ it in so bad a cause and for so bad a man. I presume, however, that finding himself at odds with everybody else holding official position (of course I except the Brazilians) on the coast, he has been extremely bland and sweet and deferential towards you. When in Buenos Ayres fifteen months ago, he seemed to take great delight in boasting of his contempt for the ministers of his government and his complete independence of them. His language in that respect was very offensive, and after, in the presence of my wife. But I had made up my mind that to keep my vantage ground I must keep my temper, and I suffered his tedious garrulity *ad nauseam*, even to the extent that he admitted to Mr. Kirk that he could not but admire the courteous and candid manner in which I bore myself under circumstances that he knew were very trying. But nobody accused him either of courtesies, deportment, or of a civil tongue. On the contrary, had he tried to secure the ill-will and contempt of every American in the river Plate he could not have done it more effectually. The officers of the squadron generally regard him as the very incarnation of spiteful tyranny, and he has made it his particular business since we came up here to persecute those officers who were on intimate and friendly terms with us. Mr. Kirk regarded him as an intolerable nuisance, and I judge from the last letter of General Asboth that in that respect he fully coincides with his predecessor. When the Wasp was coming up to bring my dispatches, General Asboth thought he could by a personal interview with me and the opposing commanders learn much of the actual situation of the respective belligerents and could more intelligibly advise our government in regard to it, besides being better prepared to carry out the instructions he had already received or might receive afterwards. But the admiral said that though the steamer was going, the minister could not go on her. I had heard beforehand, however, that he was not to come; for when I was in the camp of the Marquis de Caxias, he read me part of a letter, apparently official, in which they (the authors of letter) said that General Asboth had intended to come up to Paraguay to confer with me, but that *they had made a confidential arrangement with Admiral Godon so that though a steamer would come to bring my dispatches the minister was not to come in it.* Will you please tell me what you think of that proceeding on the part of the admiral? In my opinion it is scandalous, and I should be false to my duty did I not report this strange conduct and demand an investigation by a competent tribunal. How the Navy Department may regard his proceedings I do not know, but I hardly think it will sustain him in his confidential interviews and arrangements with the allies to defeat the policy of the State Department. At any rate I shall do what I can to give the whole subject a thorough ventilation, and have arranged my plans so that at the meeting of the next Congress, or soon after, I can be on the ground to give the affair my personal attention.

Your long letter of the 21st of October, to which this is an answer, was not written till you thought the Brazilians had withdrawn all obstructions to my passage, and all difficulties and questions in regard to it had been arranged. You could, therefore, have no other object in writing that letter than to reprimand me, and to prejudice me with the Secretary of State. If you think that you have succeeded in the latter respect, you are welcome to all the consolation to be derived from such belief. But as I do not admit you had any right whatever to arraign me, or pass judgment on my official acts, I must beg of you before you attempt that role again, to show under what authority you act. I repudiate all interference in my official duties that does not proceed from the State Department, and will not permit it. I have written this reply to your charges as I would have written to any private individual who might accuse me to the Secretary of State, and send me a copy of his indictment. The Secretary has sent me copies of your correspondence with the Brazilian government in relation to my detention, in order that I might be enabled to complete the record. As a copy of your letter to me was doubtless sent to the department, I shall also send a copy of this. I only desire that the record be made complete, and then I shall invite a searching scrutiny of the whole case.

You will, I trust, be kind enough to excuse the long delay that has occurred since the

date of your letter and this answer to it, as more than five months passed after the date of yours before it was received by me. I shall send this by the first opportunity that occurs for sending through the military lines, which may be within a week, and may not be within two months.

And now, again repeating the request that you will show me the law or the authority under which you act, before you again take upon yourself the office of instructor or censor of other ministers,

I have the honor to be, sir, your most obedient servant,

CHARLES A. WASHBURN.

His excellency JAMES WATSON WEBB,

Envoy Extraordinary and Minister Plenipotentiary, Rio de Janeiro.

LEGATION OF THE UNITED STATES,
Petropolis, June 10, 1867.

SIR: I have the honor to inclose a copy of a communication addressed by me to Mr. Washburn, in answer to his letter, of which he forwarded a copy to the department by the last steamer.

Mr. Washburn charges that I wrote my letter to him in defense of Admiral Godon. This is not only a gratuitous, but a most unjust accusation. While I have taken no part in the controversy between Admiral Godon and Mr. Washburn, and have not permitted myself to express an opinion to either of them in approval or disapproval of their proceedings, I have a very clear conviction, that if the admiral had been so disposed, he could have sent Mr. Washburn to his post of duty shortly after his arrival in the river, without any interference on the part of the allies. But it appears that the admiral made it a matter of pride to ignore the rights and privileges of ministers and consuls, and has quarreled with nearly all of them except myself; that is to say, with Ministers Kirk, Washburn, and Asboth, and with Consul Munroe, and one or two others; and I am sorry to add, that he has no friends among the officers of the squadron. With me, he has never had one word of difference, but it is impossible to shut my eyes to the fact that the difficulties which have taken place and now exist on this coast, between the admiral and the officers of the Department of State, and which are widely known, and discreditable to our country, are mainly attributable to the admiral's meddling with what does not concern him. His own statement to me in regard to his difference with Mr. Asboth is an illustration of his mistaken conception of his rights and duties. In reply to my question, why he did not permit General Asboth to go up the river in the United States vessel which took up letters and dispatches to Mr. Washburn, his answer was, that Mr. Asboth had no right to leave his legation without the assent of the State Department. I said that was true; but the minister was the only person to judge of his responsibility in so doing. He replied, "No, it was my right to demand of him whether he had authority from the State Department to leave; and because he did not produce such authority, I would not permit him to go up in the steamer to have an interview with Washburn, which was quite unnecessary."

I told the admiral that he entirely misapprehended his relations with Mr. Asboth, and that when he assumed the right to question the propriety of the minister's conduct, his, Mr. Asboth's reply, should have been, that he was meddling with what did not concern him, and that he, the minister, should have insisted upon his right to pass up the river in the national vessel, then about to go up with dispatches; the propriety of his doing so, and of his absenting himself from his legation, being questions between him and the Department of State, with which the admiral could not interfere.

Then again, in the admiral's quarrel with Consul Munroe and his contemptuous treatment of him, he is altogether in the wrong; and in my judgment, without any excuse whatever. Mr. Munroe is a model of a Christian gentleman; intelligent, courteous, kind-hearted, hospitable, and patriotic; in truth, the most accomplished consul I have ever known, and one who has never given offense to any man in Brazil. Nobody but the admiral has ever found fault with him; and the fact that he quarreled with him immediately on his arrival, goes far to prove to me that the admiral's difficulties are the consequences of his infirmities of temper, and an arrogance, offensive alike to all with whom he comes in contact.

Very respectfully, your obedient servant,

J. WATSON WEBB.

Hon. WILLIAM H. SEWARD,

Secretary of State.

Testimony of Porter C. Bliss.

WASHINGTON, D. C., April 22, 1869.

PORTER C. BLISS sworn and examined.

By Mr. ORTH:

Question. State your age and place of nativity.—Answer. I am 30 years of age and was born in the county of Erie, New York State.

Q. Are you still an American citizen?—A. I am.

Q. You have never in any way forfeited your right of citizenship?—A. No, sir.

Q. Have you ever been in South America?—A. Yes, sir.

Q. At what time and under what circumstances did you go there?—A. I went to South America as private secretary of General James Watson Webb, minister to Brazil. I left the United States in the month of July, 1861, and went by way of England; I embarked from Southampton on the 9th of September, and arrived at Rio the 4th of October, 1861. At the same time Mr. Washburn was a fellow-passenger upon his voyage to Paraguay. I remained in Brazil nearly a year and a half, until the last month of the year 1862. The date of my arrival at Buenos Ayres was the 31st of December, 1862. I proceeded from Rio to Buenos Ayres, along with General Webb, on board the United States corvette Jamestown, Captain Price, then bound to China, with the intention of traveling in the Argentine Republic, and collecting information which might be useful in a literary point of view, more especially with the object of visiting the Indian tribes in that country and collecting information in regard to them.

Q. Did you visit Paraguay?—A. I have been in Paraguay twice; the first time I reached there on the 1st of March, 1863, being then in the employ of the Argentine government as special commissioner, to visit the Indian tribes of the Argentine Republic. I obtained that employment through the influence of Edward A. Hopkins, formerly United States consul at Asuncion, and also, as I have since been given to understand, through the influence of General Webb.

Q. Have you ever paid any attention to the history and manners and customs of the Indian tribes?—A. Yes; I have been a good many months among the Indians of the Argentine Republic, and also to a certain extent among those in the republic of Paraguay. I did not spend any time among them prior to my appointment. I was appointed on the strength of having passed much of my life among the Indians in this country, and of having been employed in the Indian department here in Washington, being familiar with the manner in which our Indian bureau is conducted. Immediately upon arriving in Buenos Ayres, I made application to the officer—called there the minister of the interior—corresponding to our Secretary of the Interior, who soon manifested great interest in the matter. As I understand, he had an interview with General Webb upon the subject, and also derived much information from Mr. Edward A. Hopkins. It was through these means that I was appointed in about a month from the time of my arrival at Buenos Ayres to accompany an expedition up the river Vermejo, which rises in Bolivia. We proceeded up to the head of navigation of that river in Bolivia, and in the course of that voyage I made my first visit to Paraguay, having been obliged to go to Asuncion for repairs to the engine of our steamer. I remained in Paraguay forty days on that visit, most of the time at the residence of Mr. Washburn as an old acquaintance. I first became acquainted with him shortly after the 9th of September, 1861, he being a passenger on the steamer Tyne on his way to Paraguay. I have been acquainted with him ever since. We exchanged letters while I was in Brazil and he in Paraguay.

Q. You will now proceed, in narrative form, to state what duties you performed under this appointment by the Argentine government.—A. I received no special instructions from the Argentine government, as my appointment was of my own initiation. I was left to adopt such a plan as I desired, and accompanied this expedition for the purpose of obtaining information concerning the character, languages, wants, manners, customs, habits and mode of life of the Indians in the country through which the expedition would pass. I desired to learn their disposition towards the white population, and whether anything could be done towards civilizing them and settling them in colonies with a view to the ultimate settlement of this region by the Argentine government. I desired more especially, for my own behoof, to investigate the language of the different tribes with a view of classifying them, and ascertaining their relations and divisions into tribes and nations. The Argentine government allowed me to take my own course and manner in carrying out this purpose. In the exercise of the discretionary power vested in me, I visited the Indians inhabiting the principal points on the banks of the Vermejo river, including more than thirty different bands, and collecting much valuable information. I made a report to the minister of the interior on my return, which was published in Spanish by the government, and has since been translated into various languages, and published in English and in French both in South America and in Europe.

Q. What compensation did you receive for your services on this occasion?—A. I received 6,000 paper dollars of the Argentine government; the paper dollar of that

republic has recently been fixed at four cents in value; at that time it was worth a little less.

Q. Could you have had more if you had desired?—A. I had not made any definite contract. My expenses on board the steamer were defrayed, it being an Argentine steamer. My connection with the Argentine government continued for eight months. My next step was to engage in some miscellaneous employments of no importance, continuing two or three months. About the beginning of the next year, 1864, I engaged in editing a historical magazine at Buenos Ayres, entitled *The River Plate Magazine*; it had two editors, of whom I was one; it was a review, consisting of 64 pages, monthly, principally devoted to the history and geography of the Argentine Republic. I continued to edit that magazine until the end of the year 1864. The reason for my remaining in Buenos Ayres during that time was that most of my effects had remained on board the steamer in which I had made the expedition to Bolivia. The steamer was grounded at the head of navigation, and could not get down until the next freshet, remaining there a good many months; otherwise I should have immediately returned to the United States. But being obliged to wait so long I engaged in editing this magazine, which continued to the end of the year 1864. Shortly before this time I had received my effects from the steamer, and then proposed returning to the United States. I had collected information which I considered of a good deal of value concerning the Argentine and Oriental, or Uruguayan Republics, as well as concerning Brazil, and I proposed writing a work upon the history of these countries, including, perhaps, the narratives of my own personal experience. The republic of Paraguay being the one I knew least of, having been there but a few weeks, I desired to spend two or three months there before returning to the United States, in order to make further investigation in regard to the history and characteristics of the country, and also to visit the Indians of that republic, and in that manner to complete the information I needed to enable me to prepare the work upon these countries which I had in view. For that purpose I embarked for Paraguay the 1st day of January, in the year 1865, with the intention of remaining there, at most, not more than three months. I arrived at Asuncion, the capital of Paraguay, on the 21st of January, 1865. I had supposed I should find there Mr. Washburn, the American minister. Although my visit had no special connection with his being there, yet he being an old friend, it would have been very pleasant for me to have found him there. I found, however, that he had left a week before my arrival, passing me on his way down the river while I was at Corrientes. I arrived, as I have stated, on the 21st of January, and immediately commenced the investigation of the Guarani language, which is the language of the country; it is an Indian tongue, but is spoken by the Paraguayans. One special object of my investigation was to make a classification of the Indian tribes of that region, as indicated by the languages or dialects spoken by them. My first inquiries, therefore, were directed to learning the Guarani language, and also the *Payguá* dialect, for the purpose of visiting the Paraguayan Indians residing in the neighborhood. At this time the republic of Paraguay was engaged in war with Brazil. The war had been commenced during the previous autumn, and several months before my going there. Paraguay was then just on the eve of commencing war also with the Argentine Republic. This was a fact of which I had not the slightest suspicion at the time I left Buenos Ayres, and there was no reason whatever on the part of the Argentine Republic for anticipating any such war; it had given no cause of complaint whatever to the Paraguayan government, and the commencement of that war was a piratical act on the part of President Lopez. Immediately after my arrival in Paraguay I found I was the object of suspicion on the part of the Paraguayan government. That government could not understand how any person could come to Paraguay, especially at such a time, when the atmosphere was so thick with war rumors, purely for scientific and ethnological objects; and a great many rumors had consequently been set afloat in regard to the object of my visit. The fact that I had been employed by the Argentine government, and had formerly been in Brazil as the private secretary of the American minister to that government—a fact which I took no pains to conceal, as I had no reason whatever for concealing it—gave directions to the rumors and suspicions in regard to me. It was very soon known to the Paraguayan government that I had been in Brazil as a member of the American legation; that I had been in the employ of the Argentine government, and that I was acquainted with many of the prominent politicians as well in Brazil as in the Argentine and Uruguayan republics. And it was suspected that I had come to Paraguay as a spy, or as a secret agent of one or all of these governments. Some said I was a Brazilian spy, others that I was an Argentine spy. Whatever they thought, the government soon set spies on my track to watch all my actions. Wherever I went I was followed by several spies, the effect of which was that many persons who, on my arrival in the country, had received me with pleasure as a visitor, found it convenient not to cultivate my acquaintance further. My position began to be disagreeable just at the time when the Paraguayan dictator, Lopez, suddenly brought together a so-called Congress, and declared war upon the Argentine Republic, without any just cause or pretext, and refused to allow any foreigners to leave the country. This was about

the middle of March. I had been there then less than two months when this event took place.

By MR. SWANN :

Q. Had you been connected at any time with a political paper while in the Argentine Republic ?—A. I had not. The review which I conducted in Buenos Ayres was a purely historical and literary enterprise. Beyond an occasional article in a neutral English paper, the *Standard*, I had not written anything relating to the politics of the times, or in relation to the war which had then begun between Paraguay and Brazil, except in making up a monthly summary of the current events, and in that I had expressed opinions which were not very flattering to the Brazilian government nor very flattering to the Paraguayan government either, but I wrote merely as an impartial spectator.

By MR. ORTH :

Q. Did I understand you to say that you were in the employment of the Paraguayan government at any time ?—A. I subsequently was after the course taken by President Lopez towards me, of which I have spoken, and which rendered my stay in Paraguay very unpleasant. In pursuance of my object of collecting information about that country, its present condition, its tribes of Indians, &c., I found it necessary to have some intercourse with members of the government. Very shortly after my arrival, I made the acquaintance of the minister of foreign relations, a gentleman by the name of José Berges; I brought no letter of introduction to him nor to any one else, but I found it easy to make his acquaintance. I requested him to afford me what assistance on the part of the government he could in pursuance of my object, and continued to see him occasionally in an informal manner for some time. This was during the time I was under this suspicion and surveillance, a matter which I never brought to his notice, because I did not wish to have anything to say on that subject. When I found that my stay in Paraguay was the reason of suspicion on the part of the government, in connection with the fact that no American minister was there, and that Lopez was in the habit of treating foreigners as he pleased in regard to allowing them to leave the country, it became necessary to take some measures for my own protection. Lopez never had allowed any obnoxious person to leave the country even *before* the war. If he had any reason or inclination to prevent it, he always found a pretext for whatever he did, but his own will was the moving cause. In respect to myself, I was convinced that Lopez would not allow me to leave the country unless I could conciliate him in some manner, and render my presence there less suspicious to him. I was desirous of leaving the country as soon as possible, and it became my purpose from that time to do so as soon as I could. I had taken previously much pains to become acquainted with the early history of both the Paraguayan and Argentine republics. During the previous year I had written a good deal on the subject. It was supposed then that the war with Brazil would come to an end speedily, the object on the part of Brazil being merely to reduce Paraguay to certain boundaries about which there was a dispute.

Q. Were there any police regulations in Paraguay in reference to foreigners coming and residing there ?—A. I was obliged to report to the chief of police on my arrival there, and passports to leave the country had to be obtained from the police office, although in fact no passports were given except by the direct order of Lopez, who gave or withheld them according to his own pleasure. He had previously been in the habit of sending people arbitrarily out of the country without any cause, or of detaining them there against their will in an equally arbitrary manner. There was a treaty in existence between Paraguay and the United States, by which all American citizens were guaranteed the right of leaving the country at any time; but, as I have said, no American minister was there, and no consul present for my protection, and Lopez not being in the habit of obeying the stipulations of treaties except so far as he chose to do so, there was no prospect whatever, so long as he regarded me with suspicion, that he would allow me to leave.

I commenced saying that at that time it was supposed that the war then in existence between Paraguay and Brazil would speedily come to a termination, as the principal question at issue to be determined was that of the boundary between the two countries. It was a question in dispute when these countries were colonies of the Portuguese and Spanish governments; was in dispute when those governments relinquished their claim to these countries, and had never been settled since. I was very familiar with the disputes on this subject that had occurred between the Spanish and Portuguese governments, a hundred years or more previous, and I thought I would write a little pamphlet which would occupy a month or two, during which time I might prosecute other inquiries which were to me of more importance. I thought this occupation, without connecting me directly with the government in any way, would make me of some use to Lopez, and would serve to set me right in my relations with him. I engaged then with the minister of foreign affairs of Paraguay to write a pamphlet upon the boundaries between Paraguay and Brazil, under the supposition that it would probably have a good effect when the war was over and the settlement came to be made. I therefore immediately set to work

to write that pamphlet, and was engaged upon it when I was surprised by the sudden declaration of war upon the Argentine government, followed by an embargo put upon all foreigners. This did not relate to me particularly, but to all foreigners then residing in Paraguay, prohibiting them from leaving that country. From the middle of March onward nobody was allowed to leave the country, and the same continued to be the case during the entire war; although foreigners might have availed themselves of the route through Bolivia which was still left open; the order of President Lopez, however, was that no foreign subject should leave the country.

In the month of May, finding that I would have to remain in the country for the present, and my stock of funds being exhausted, the enterprise which I had first proposed to the government having become one of no particular consequence, the usefulness of which would have to be postponed for an indefinite period of time, I saw Marshal Lopez (he then having received the title of marshal in addition to that of president of the republic) and stated that as I had no funds, and no other means of support in Paraguay, I had desired to leave before that time, but finding myself unable to do so, I proposed to write the history of the republic of Paraguay, commencing with the beginning of the settlement of that country, and continuing down to a period not definitely fixed upon, but within the present century. President Lopez approved of that position and accepted it verbally, but no formal contract was ever made out and signed; it was agreed verbally that I was to receive six gold ounces per month, that is to say \$96 in gold, during the time I was engaged upon this literary work. In addition to this, I was to receive a further and larger compensation when the work should be completed, and another allowance for the purpose of publishing the work simultaneously in French and English in Europe. That is to say, I was to receive \$96 in gold monthly, *for my support*, not to be considered in the nature of *compensation*, and I was to receive a larger allowance at the completion of the work, which depended on the satisfaction which the results of my labor might give. There was no stipulated sum mentioned, but it was understood that it would amount to several thousand dollars, not including the further allowance which I have mentioned to defray the expense of translating and printing the work in French and English. This was in the month of May, 1865. My residence from first to last while in Paraguay was at Asuncion.

Q. State what progress you made with the work, and what facilities were afforded you by the government.—A. I made my proposition to the government, expecting to find material to a certain extent for my work among their archives. I had already in my possession a good many materials. I had already consulted several authorities on the subject and was pretty well prepared to begin the works, having written somewhat upon the subject of the early history of Paraguay for the magazine I had edited before my visit to Paraguay. I expected the minister of foreign affairs would afford me the means of consulting different works I might need, and I therefore applied to be allowed to consult the archives of the government, where there would be found a great many manuscripts useful for my purposes. The minister of foreign affairs gave a conditional assent to my request, and I was allowed to consult a few documents under the eye of the person who was their keeper, and who allowed me to do it with a great deal of jealousy. I was permitted to have access to but very few documents in the public archives, and these not of the character I desired to examine. In point of fact the documents I was allowed to see in the archives were of very little use to me, and though I made repeated efforts to obtain a free range through the archives for this purpose it was never conceded to me. There was always a manifest distrust on the part of Lopez, whose system of espionage was habitual, not only in regard to foreigners, but applied even to officers of his own government; in fact every officer was supposed to be a spy upon every other.

By Mr. SWANN:

Q. How long had this embargo been in operation before you made your arrangements to write the work you have mentioned?—A. The embargo upon foreigners went into operation the middle of March, and I made my arrangements with President Lopez for writing this work in the early days of the month of May. I continued upon that work, I can scarcely say for how long; my contract, which was a verbal one, was never carried into effect on the part of the government. I never received a single month's pay as stipulated in the contract. When I had commenced my work and made some progress in it, I visited the minister and told him I wished to draw some pay, as more than a month had elapsed since the arrangement made with Lopez went into operation; I requested him to make out an order for the amount due me. He represented himself as too busy at that time to attend to it; he wanted to look further into the matter, but said he would give me an order for my immediate expenses without reference to the contract; he did give me an order for that purpose, I think, in the month of June. The amount I received, as nearly as I recollect, on that occasion was \$300 in Paraguayan currency. The value of the Paraguayan dollar fluctuated during the war; at that time it was depreciated about one-half from the value of gold, as I remember.

Q. Did they examine your manuscripts during the progress of your work?—A. They did; every month I submitted the manuscripts as far as I had progressed.

Q. Did Lopez treat you at this time with apparent kindness?—A. The minister of foreign affairs, to whom I have referred, was the person with whom I communicated the most of the time. I never had more than two or three interviews with Lopez. Very shortly after my last interview with him he left his capital and put himself *in campaign*, as the expression was; that is to say, he took command of his army personally. On the 8th of June he left his capital to take command of the Paraguayan armies against the three allied powers; the alliance having been made on the 1st day of May. Since that time I have never seen Lopez; my intercourse with him was carried on entirely through his minister of foreign affairs.

I ought to have said previously that that embargo put upon foreigners against leaving the country applied, nominally, only to routes through the countries then at war with Paraguay, and I conceived a desire to leave the country through Bolivia. By virtue of treaty stipulations with the United States it was guaranteed that American citizens should always have the right to leave the country, making no exception in case of war; and as there was a route open through Bolivia I wished to leave that way. This was after the time I had commenced writing the pamphlet; I was still enduring the annoyance of the system of espionage under which I had been suffering for some time. But I had come to receive more consideration on the part of the government and supposed myself to be on better terms with it. This was before making my terms with President Lopez about writing the history of the republic. I then made application through the minister of foreign affairs to leave the country by way of Bolivia, promising, in case I was allowed to do so, that I would, when in Bolivia, use my influence by writing some articles for the papers of that country in favor of the cause of Paraguay or against Brazil. At that time I made no statement in respect to the other two powers. I considered the war at that time solely as regarded Brazil, and my opinion then was, that in so far as the question of limits was concerned, the Paraguayan government was in the right. I considered that Brazil had always been in the habit of grasping unjustly at the boundaries or limits of the republics around her, not only in respect to Paraguay, but in respect to all the other countries on which she bordered—the Argentine Republic, Uruguay, Bolivia, Peru, Ecuador, Columbia, Venezuela, and the three provinces of English, French, and Dutch Guiana. Except in certain cases in which these boundaries have been very recently settled, there is no man living who can tell to-day what are the limits of Brazil with any of the surrounding countries; I mean to say, unless some definite treaties have been negotiated since the time I went to Paraguay, of which I am not cognizant. Brazil has always played the part of *dog in the manger*; has always exercised a grasping spirit in respect to these countries; and I considered, so far as the question of limits was concerned, Paraguay was in the right; and that Bolivia being from time to time in difficulty with Brazil upon the same question of limits, might be expected to sympathize with Paraguay in this struggle so far as that question extended. I cared nothing about the issues between Paraguay and other nations beyond my desire of getting away; but I made the proposition to Lopez in good faith, and would have carried it out in good faith, if he had agreed to the proposition I made; that is, I would have endeavored to exert an influence while in Bolivia, through the press and otherwise, upon public opinion there as against Brazil in respect to her grasping disposition towards the surrounding countries. This proposition was favorably received by the minister of foreign affairs, and he reported upon it favorably to Lopez, but it did not receive the assent of Lopez. I saw Lopez in person after this, but knowing it to be useless to attempt to get out of the country, I proposed to occupy myself during my involuntary stay in writing the ancient history of Paraguay, as before stated.

Q. How long did you continue engaged upon that history?—A. I cannot exactly state, for the reason that my contract was not complied with on the part of Lopez. I never received a single monthly payment, although I repeatedly requested to have my verbal contract complied with; but I was always met by some excuse or delay; in point of fact the minister of foreign affairs kept the matter in his own hands by telling me he would furnish me with the money I needed as fast as I required, and for about a year I did receive the money I actually needed for my own personal expenses. I think I received four payments in all, amounting to a thousand dollars in the currency of the country; the value of the paper dollar constantly varying, and continually becoming more depreciated, so that the average value of the money I received was considerably less than half its nominal value in gold. I therefore reply specifically to your question that I supposed myself to be in the employ of Lopez for a little more than a year; but at last Lopez, apparently dissatisfied with my progress in the work, and perhaps not liking the cautious way in which I spoke of other nations, he being eager that I should bring my history down to more modern times, and especially eager that I should write something which would be of use to him in the war, which I was as equally desirous to avoid. I was at last met with a refusal to supply me with any more money. This occurred near the middle of 1866, as near as I can remember. (Mr. Washburn arrived in the country the 2d of November, 1866.) And when finally I was met with a refusal to give me any more money, I considered myself as disengaged and ceased to write any

further. I had then brought my history down to about the year 1810, and during all this time I had continued to be more or less an object of suspicion. The reason of that, I suppose, was that I had not met his anticipations in the history I had written.

I should have stated that different instalments of my history were sent regularly to Lopez's headquarters and examined by him. The official Paraguayan style of writing there, has always been a most fulsome style of adulation of the powers that be. During the war there has not been a single article allowed to appear in the official papers which did not have some reference to the war, and did not contain extravagant praise of Lopez. I wished to write this history in a manner that should meet the approbation of my own conscience; I wished to write it dispassionately, and to keep as free from the appearance of being a partisan as possible; I wished to write something which I might publish in Europe without being ashamed of. I suppose Lopez was disappointed in my not making more frequent reference to him, and in my not paying more adulation to him; at all events I was at last met with a refusal to give me any more money. From that time I sank into extreme poverty; sometimes I really did not know how to obtain my daily food, and I was obliged to seek loans of money from persons who had become my personal friends there. I lived in a most miserable style, and had become reduced to the lowest condition of poverty some time before Mr. Washburn arrived. I might have obtained large sums of money from Lopez if I had chosen to accept the part of a flatterer, or if I had chosen to place myself in his service absolutely, and to do what he might desire me to do in respect to the war; but I did not choose to be so. There was nothing in my manuscript which ought to have given Lopez any offense; it was a fair and impartial account of the settlement of that country in the early part of its history, and was never brought down later than 1810—that is, later than a period of nearly 60 years ago.

Q. Did Lopez retain your manuscript?—A. No; it was returned to me. Not being used by Lopez, his minister of foreign affairs returned it to me with some suggestions as to changes in the early portions of it; the latter portions submitted to him were returned to me without remark. They remained in my possession, as they ought to have done, I having never been paid for my labor in writing at all; and I considered myself released from all obligations to the Paraguayan government in connection with the matter. When Mr. Washburn left Paraguay as I had previously confided the manuscript to his care, he took it with him, and it is now in this country in his custody.

By Mr. ORTH:

Q. After Mr. Washburn arrived, what relations came to exist between you and him?—A. I met Mr. Washburn as an old friend. I had been cut off for many months from a knowledge of all events outside of Paraguay. From the time of the blockade of that country, about the middle of March, 1865, I had received scarcely any information either from the United States or from any other part of the world outside of Paraguay. I did not hear of the assassination of President Lincoln until, I think, the month of September, 1865, and I then heard of his assassination at the same time that I received the news of the final collapse of the confederacy, and of various measures of reconstruction, covering two or three months of the administration of the new President. The arrival of Mr. Washburn had been eagerly anticipated, not only by myself but by a great many foreigners there, who then anticipated a close of the Paraguayan war at almost any time. They were under the same delusion that the people of this country were under in respect to the late civil war. Believing all the time it would close within a few months, the foreigners in Paraguay looked upon Mr. Washburn as the *coming man*, and believed that when the war should terminate he would be able to afford them the protection of which they expected to stand in very great need. Great apprehension was felt by the residents of Asuncion, both native and foreign, that the allied armies on the fall of the capital of Paraguay would sack and pillage the city and country; and the arrival of Mr. Washburn as the only foreign minister there, was believed to be of the greatest importance in that event, supposing he might exert his authority and influence for the protection of persons and property from the general pillage which was expected by the allied forces. His arrival certainly occasioned me great joy. I met him as soon as he arrived, and was in the habit of meeting him two or three times a day for a long time, even before an arrangement which I subsequently made with him to collect information to be used by him in the preparation of a work on Paraguay.

By Mr. SWANN:

Q. Were you then a member of his family?—A. I was not; I resided in my own house. I did not reside under the same roof with him until more than a year after his return there. As I have stated, shortly after Mr. Washburn's arrival, I was engaged by him to collect information to be used by him in his work on Paraguay. I continued in that employment for a number of months. It was for a work which has not yet been published, and which partakes in its character both of history, of impressions of the country, and other features of a miscellaneous character. My own quota of the material contributed to it was chiefly historical in its character. I also placed at his service, to be used in the way of consultation, the matter I had been writing for the Para-

guayan government. They having broken their contract with me, and I being no longer in their service, as I have said, I deemed the material collected to be properly my own, and I loaned it to Mr. Washburn to be consulted by him in writing some historical chapter for his own work. The manuscript written by him was in the Spanish language.

Q. Was it known by the minister of foreign affairs there that you were engaged in this work in common with Mr. Washburn?—A. It was known extra-officially. I never stated it to him as a matter of duty on my part, because I considered my relations with the government as having ceased. My private relations to the minister of foreign affairs continued to be tolerably satisfactory, and I would sometimes see him, generally on public occasions. I made no secret of the circumstance that I was collecting facts for Mr. Washburn, but I did not consider myself bound to make any official report on the subject.

By Mr. ORTH:

Q. The relations between yourself and Mr. Washburn were perfectly agreeable?—A. Generally speaking, they were. Mr. Washburn at that time enjoyed great favor with the government of Lopez. I was, in connection with this matter, under the necessity of consulting a great many of the old residents of Paraguay. I especially consulted them respecting the history of the dictator, Dr. Francia. They amounted to 30 or 40 of the oldest and most intelligent persons whom I could find, and I obtained much information from them for Mr. Washburn, and also for myself, as I still cherished an expectation of being able to make some use of this material at another period. My business in this connection was of course perfectly well known to the Paraguayan government, because that government makes itself acquainted with everything that is going on by means of its system of espionage.

Mr. Washburn apparently enjoyed the favor of the Paraguayan government for more than a year after his arrival in that country. So far as I can understand from his expressions, then and since, I should judge that Mr. Washburn sympathized in a measure with the Paraguayan people in their struggle. He never sympathized with Lopez, personally, because he always knew his character, but he did sympathize to a certain extent with the people of Paraguay.

It is somewhat irrelevant to this investigation, but I nevertheless think it well for me to state another fact showing Mr. Washburn's friendly relations with the Paraguayan government. Without even the previous knowledge of our government, although in conformity with its spirit, he tendered his mediation in the struggle going on, which mediation was accepted by Lopez in the month of March, 1867. In that month Mr. Washburn had an interview with Lopez at his headquarters. Afterwards he passed through the Paraguayan lines for the purpose of an interview with the commander-in-chief of the allied forces. Mr. Washburn spent, I think, two days in the camp of the allies as a guest of their commander-in-chief, who was then the Marquis of Caxias, a Brazilian nobleman. Mr. Washburn's offer of mediation was upon the basis of the reciprocal independence of the countries, including the retention of Lopez himself as the head of the government of Paraguay. The offer was refused by the allies, upon the ground that they had bound themselves by treaty never to make any terms with Lopez, and never to desist from war until they had overthrown him. After receiving this reply from the Marquis of Caxias, Mr. Washburn wrote him a somewhat indignant letter, which has been published, in which he took the ground that, whatever might be the facts of the case as regarded the conduct of Marshal Lopez in the beginning of the war, the allies ought to be willing to treat with him as the head of an independent government, and that their expressed determination to desist from war only on the overthrow of that government ought not to be satisfactory to neutral governments. This letter of Mr. Washburn was considered by Lopez as being a masterly production and very satisfactory to himself. He said that Mr. Washburn in that letter had rendered him a very essential service, by protesting in behalf of neutral governments against the positions assumed by the allies. After two days' conference within the allied lines, as I have stated, Mr. Washburn returned, saw Lopez again and gave an account of the unsatisfactory result of his interview. Lopez expressed himself grateful for the spirit he had shown, and the efforts he had made in favor of the independence of Paraguay, and Mr. Washburn returned to Asuncion, enjoying apparently the high favor of Lopez. I mention this because one of the charges against Mr. Washburn, in connection with the supposed conspiracy which was trumped up, and which caused the death of so many victims, was that under the shelter of his position as an American minister he had ingratiated himself with the commander-in-chief of the allied forces, and had there been concerned in maneuvers directed against the Paraguayan government. This was in March, 1867.

Affairs continued during the entire year of 1867 apparently without any change in the friendly relations between Mr. Washburn and the Paraguayan government. The first serious cause of disagreement between them was as late as the month of February, 1868. In that month the iron-clad fleet of the allies succeeded in forcing its way past

the principal fortress of the Paraguayans called Humaytá, and two of their iron-clads, meeting with no further opposition, ascended the river as far as Asuncion, the capital of the republic. On the approach of these iron-clads, the vice-president of the republic, Don Francisco Sanchez, who was at the head of a sort of phantom government at Asuncion, being cut off from communication with Marshal Lopez, took the responsibility upon himself, (probably in conformity with previous instructions from Lopez, in the possible contingency which had now occurred,) to order the entire evacuation of Asuncion by all its inhabitants; declaring at the same time the town a military post, to be garrisoned by the few hundred Paraguayan soldiers whom he had at his disposal. Forty-eight hours was given for the evacuation; and all the residents, both native and foreign, in that time evacuated the city, going, in accordance with orders given, to certain towns in the interior.

Q. What was the population of Asuncion?—A. The population has been variously stated by different authorities. By some it has been stated as high as 40,000; in my opinion the city never contained more than 20,000. I should state that I believe the passports, directing parties to go to particular towns named in the interior, applied only to foreigners, of whom there were several hundred then in Asuncion. Natives were allowed a larger liberty, and permitted to choose the place of their new residence, but no facilities were furnished them to move their effects. A great majority of them had no beasts of burden or conveyances, and were obliged—including many people of rank—to make the transit of 20 or 40 miles with their families and little ones on foot. Up to this time I had never had any nominal connection with the legation, although being in daily intercourse with Mr. Washburn and in his employ for the purpose of collecting the information I have stated and otherwise, as was perfectly well known. I had occasionally known of his correspondence with the government of Paraguay, and had frequently assisted him in the translation of official documents. I had known the contents of some of his dispatches written to the Secretary of State in Washington, and was living with him on terms of great familiarity. I was pretty well posted in all he did in discharging the duties of his position. At this time, however, as it was supposed by us all that the arrival of the two Brazilian iron-clads would be speedily followed by all the other vessels of the allied squadron, and by the allied army, none of us having any impression that the war would be continued for more than a few days longer, and as there certainly was good reason for supposing the war would then close, Mr. Washburn took upon himself to render a very essential service to the Paraguayans, as well as others, by protecting the property of prominent families from sack and pillage by the allies. I know that it was his hope that he might render available the protection which his position afforded, not only in behalf of his friends, but also in behalf of prominent natives and foreigners who were there, by allowing them refuge under his flag. He resided in a building which covered an entire square, and in which there was room enough to give protection to hundreds of people. Mr. Washburn was actuated by the best intentions in that respect, and had always looked forward to the probability of his being able to render important services under such circumstances. It was probable, then, that he would have a great deal of correspondence on his hands, not merely with the Paraguayan government then in existence, but with another *de facto* government that might be set up, and also with the commander-in-chief of the allied armies. In these labors I could be of great service to him, because I was familiar with Spanish and Portuguese, as also with the Guarani language of the Paraguayans. It was probable that my being with him would be of great importance to him under the circumstances anticipated. He invited me therefore to become a member of his legation, as I had been in fact for a long time connected with it. I was appointed translator to the legation, and as such I was not subject to the requisition of the police department to go to its headquarters and receive a passport to some interior town. Mr. Washburn himself declined to obey that order, which was communicated to him, not technically in the form of an order, but in a way which showed the government expected he would retire with everybody to the interior. He informed the government that he considered himself as accredited to the capital of the republic, and that he should not retire to the interior.

Q. Was that order complied with generally by the citizens?—A. It was enforced unsparingly, and was complied with by all the citizens, and also by the foreign consuls there. They first consulted Mr. Washburn as to whether or not they should obey it; Mr. Washburn gave them his advice to remain and stand up for their rights; but a majority of them seemed to think it would be best to leave, although Mr. Washburn stated to them that he would not leave Asuncion himself. He was the only diplomatic representative there, and with his legation and those under his protection were the only persons who remained in Asuncion, except the soldiers who formed the garrison, the town having been declared a military post. Besides myself, Mr. Washburn also invited another American citizen, by the name of James Manlove, to become a member of his legation, and we both of us expected that in the multiplicity of persons who had deposited their valuables there for his protection—at least 100 in number—we should be of great use in the business he had to transact. Many persons of wealth brought their valuables and deposited them with Mr. Washburn for safe-keeping, without requir-

ing or receiving any receipt from him. They had such confidence in his integrity that they brought their money and jewelry, and intrusted them to his good faith. He expressly stated to them that he could not give receipts, that he would endeavor to restore to each his property, but that he could make no conditions connected with the deposit. He did not, as was subsequently asserted, demand a percentage for their safe-keeping, but on the contrary said he would make no conditions at all. He said to them: "Whatever property you leave with me will receive the full protection of my flag, as far as I can give it, and will be returned to you when possible under better auspices." In order to take cognizance of this large amount of property, it was very expedient and proper that an additional force should be attached to the legation, especially in view of the contingencies that might arise. The same day that Mr. Manlove and myself received our appointments, Mr. Washburn sent to the minister of foreign affairs a list of the members of his legation for his information. From this list, by inadvertence, the name of Mr. Masterman was omitted. Mr. Masterman had been a member of his family for nearly six months, or since some time in October previous, after he was liberated from prison at the request of Mr. Washburn. The next day afterward, Mr. Washburn sent a supplemental list which included Mr. Masterman.

Q. The minister of foreign affairs had not retired from the city?—A. He did retire; this, however, occurred during the 48 hours given for persons to leave. At the end of that 48 hours both the Vice-President and the minister of foreign affairs retired.

Q. Did they remove the public archives?—A. They did remove them to Luque, a point about 10 miles east of Asuncion, on the line of railroad—the only railroad in Paraguay. At the time of the evacuation of Asuncion, several of the English residents, formerly in the employ of the government, solicited permission to occupy some of the buildings belonging to the American legation, for the purpose of living there until the storm should be over, as it was expected the war would be finished in a few days. They had been in the service of the Paraguayan government as engineers, mechanics, &c., but their contracts had expired. There were 20 or 25 of them, including women and children. There were also two Uruguayan gentlemen, one of whom, Don Francisco Rodriguez Larreta, had come to the country as chargé d'affaires, and the other, Dr. Carreras, had formerly been minister from the republic of Uruguay to Paraguay, and had been prime minister in his own country.

By Mr. WASHBURN:

Q. In what capacity did Mr. Rodriguez come to Paraguay?—A. He was a Uruguayan gentleman who came to Paraguay in the month of May, 1864, as secretary of the legation of what is called the Oriental republic of Uruguay, of which Montevideo is the capital. When the war commenced, the minister who was over him left the country, and he remained as chargé d'affaires. He continued there until his execution, which took place in August last; he having been executed by order of Lopez. The other gentleman, Dr. Carreras, was a Uruguayan statesman of very large experience in public life, having been three times a cabinet minister in that country, and on the last occasion having been virtually the head of the government. He had also, before the war, been the minister of Uruguay in Paraguay, and had been a decided friend of Lopez before the war, sympathizing very heartily with him in his enterprise as against the Brazilians. This Dr. Carreras, having opposed the Brazilians, and the government to which he belonged having been overthrown by them in February, 1865, was obliged to leave Montevideo with a few of his friends. They succeeded in crossing the lines of the allies into Paraguay, where he offered his services to Lopez. His advice would have been of great importance to Lopez, who received him apparently upon friendly terms, but did not assign him to any situation. He gave him no pecuniary assistance, but recommended him to go to the capital and live there, which he did, in a very quiet secluded way, taking no part in public affairs and making no public manifestations. This continued until the time of the evacuation, as I have stated.

Q. Did he state to Lopez what valuable service he could perform for him?—A. He did; he on more than one occasion proposed to the government of President Lopez to go to Bolivia, and from there to the other republics, Chili and Peru, with a special mission from Lopez, to stir up public opinion in these republics in favor of Paraguay and against Brazil. His influence could have been exerted most potently in this direction, and he would have desired nothing better than to exert it against Brazil, in whatever part of the world he could. However, a short time before the circumstances to which I am referring, an uncle of his had died in Bolivia, leaving him a large property there in mines, amounting to \$150,000, which gave him an additional reason, as soon as he heard of it, for desiring to go to that country.

By Mr. ORTH:

Q. What became of Carreras?—A. He was shot on the 27th of September last, by order of Lopez, for the alleged crime of conspiracy, as having been an accomplice of Mr. Washburn, Mr. Masterman, myself, and many others. The purpose of this conspiracy was charged to be the removal of Marshal Lopez from the government.

I have previously stated that up to this time there was no reason to suppose that

Mr. Washburn was in bad odor with the government of President Lopez, but rather the reverse, as Mr. Washburn had certainly given Lopez reason, on more than one occasion, to thank him for his conduct. Mr. Washburn had exercised his influence repeatedly to obtain the pacification of the conflict going on with the enemies of the republic of Paraguay, and had done all that he could to accomplish that object, without exacting any stipulations or conditions in respect to his services; and at the very time this evacuation was going on, he endeavored to render a great service by receiving valuable property of residents of Paraguay under his protection. This fact ought to have recommended him still further to Lopez; but, probably owing to the circumstance that Mr. Washburn declined to leave the city of Asuncion, when it was expected that he would leave, and of his taking under his protection these Uruguayan gentlemen, from that time onward he seems to have become an object of suspicion. In reply to the note of Mr. Washburn sending the supplemental list of the members of his legation, including Mr. Masterman, Mr. Manlove, and myself, he received a note from the minister of foreign affairs in which, acting probably under previous instructions from Lopez, he declared that he would not recognize Mr. Manlove or myself as being attachés to the legation, entitled to have the freedom of the city. In the notes sent by Mr. Washburn giving the list of the members of his legation, he used the word *service*. He stated that owing to the extraordinary circumstances he had found it necessary to take into the *service* of the legation Mr. Bliss, Mr. Manlove, and several other persons named. Of course the word *service* does not necessarily imply *domestic* service; the officers of a government are in the *service* of that government; but the translator of that note into Spanish rendered the word *service* by a Spanish word which implied that we were *servants*; and in reply the minister expresses his surprise that Mr. Manlove and myself should consent to accept the positions of servants, and stated that as he had known these gentlemen not to belong to that condition of life, he could not recognize them as servants of the legation, and as the police have orders to arrest all persons in the street, not especially privileged, we had better not go outside of the legation. Mr. Washburn had not previously stated in what capacity we were taken into the service of the legation; this circumstance, in connection with Mr. Washburn's refusal to leave the city, served, I presume, to prejudice Lopez against him. I have already mentioned that on the day on which the evacuation was decreed, a consultation took place between Mr. Washburn and the foreign consuls in which Mr. Washburn advised them to remain, while they by a majority of voices thought it best to leave.

By Mr. WASHBURN:

Q. Do you know what reason was given, for instance by the French consul, for leaving?—A. I have the impression that it was from personal fear of the bombardment of the city; I do not remember distinctly. Before the expiration of a complete month from the evacuation according to my recollection, Mr. Manlove was arrested in the streets in accordance with what the government had previously announced, but, of course, in utter violation of his rights as a member of the American legation. The authorities had notified us that they would not regard him as a member of the legation, and he was accordingly arrested while in the streets for nothing except the fact of his being in the street contrary to general orders. On the morning of the 21st of March, 1868, he left the legation and went over to the house of a Frenchman, which was of course deserted, as all the houses in the city were; the keys of the house had been left in his possession by the owner, and he went over with the intention of getting something from the house; the contents of the house had been placed at his disposal. He was just in the act of entering the house when some policemen passed by and questioned him as to what he was doing; he replied that he had authority from the owner to enter the house. They insisted on his going with them and presenting himself to the chief of police; he declined to go and returned to his house followed by the police, who still continued to insist upon his going. He did not have to pass through Mr. Washburn's house to get to his own quarters. Mr. Washburn was not at home at the time. I was living at my own house at that time, but shortly after that I came over to Mr. Manlove's residence, while the altercation with the police was going on. I knew nothing of the circumstances of the case, but informed myself quickly, and as Mr. Washburn was not there and the police insisted on Mr. Manlove's going down to their headquarters, Mr. Washburn's relations not having been up to this time of a disagreeable character, it was supposed the matter could be easily explained by going down to the office of the chief of police, and I offered to accompany Mr. Manlove there. Mr. Manlove consented to go, but said to the policemen, "I will not go with you under arrest; if you simply request me to go down and make an explanation to the chief of police, I will go." They said, "No, we will not arrest you." In order to make the matter perfectly clear, we insisted that the policemen should take one street and we another, which was done, and we arrived at the police headquarters by different routes about the same time. I went in with Mr. Manlove, acting as his interpreter, as he did not speak Spanish. I had hardly commenced the explanation before the chief of police very rudely sent me outside, where I sat down on a bench. After some time Mr. Manlove came out and sat down by me; the chief of police then stated that I was to return to

the legation, but that Mr. Manlove must remain, without giving any further explanation. We separated then, I saying to Mr. Manlove that Mr. Washburn would soon be at home, and that whatever little difficulties there might be, he, Manlove, would doubtless return before night and everything would be straightened. I had no doubt then that the matter would be arranged and that Mr. Manlove would return and sleep at home that night, but that was the last time I ever saw him; he was executed by order of Lopez in August last.

Q. State whether Mr. Washburn had any difficulty on account of an obnoxious person being present in Mr. Manlove's house, whom he (Mr. Washburn) regarded as a spy? —A. There was. The facts of the case, I think, are well known to the committee, through the published documents, and I will only say that Mr. Manlove, previous to his leaving for the last time, had a misunderstanding with Mr. Washburn, and had concluded to leave the legation premises and go to reside in another house. Mr. Manlove remained in prison in Asuncion until July 14, 1868, during which time his meals were sent to him in prison every day from the American legation. Mr. Washburn engaged in correspondence in his behalf with the minister of foreign affairs, but unsuccessfully.

Q. What became of the persons Mr. Washburn employed to take Mr. Manlove's meals to him?—A. They were successively arrested in the streets while carrying his meals, but Mr. Washburn continued still to provide him with the necessities of life until the 14th of July, when Mr. Manlove, along with hundreds of other persons, including many prominent persons, natives and foreigners, were taken to the headquarters of the army, subjected to the farce of a *trial*, which consisted principally in starvation and torture, upon the charge of conspiracy, and were finally executed in August and succeeding months. Respecting Mr. Manlove, I cannot speak of this from my own knowledge, but I know what those pretended *trials* are, and I have reason to believe that none of the persons arrested at this time or subsequently, escaped these horrors. I have seen testimony which shows that he, with others, was most cruelly tortured; indeed, I do not think there was a single one of the 500 or more political prisoners who escaped torture.

Shortly after this difficulty about Mr. Manlove, we began to hear every day or two of the arrest of prominent individuals, who were taken in irons to the headquarters of the army. It was a subject of frequent speculation among the circle residing at the American legation, numbering about 40 individuals, what could be the reason of these summary and arbitrary arrests; many plausible conjectures were made, but not one of us had any idea of the charge of *conspiracy* until the last phases of the crisis. Some time about the middle of the month of June, I think on the 16th, the Portuguese consul, Mr. Leite Pereira, who had been obliged to leave the city with the other residents, and had established himself three or four miles from the city, (having first applied to the government for permission to remain in the city, without success,) came galloping into town with his wife, bringing the information that he had just received a note from the government by which his exequatur was canceled; that is to say, he was no longer to be recognized as consul; and he believing that this was only the beginning of sorrows and of persecutions, lost not a moment in packing up his principal valuables and galloping into the city with his wife to take refuge in the American legation. After a few days there came a note from the government inquiring as to the fact of the person (mentioning him by name, as he was no longer recognized by them as Portuguese consul) being at the legation; to which Mr. Washburn replied in the affirmative, denying, however, that the government had any right to ask such a question. A little later came a demand from the government that this gentleman should be surrendered up as a criminal, upon some charge which was not mentioned and which none of us could guess. This Mr. Washburn declined to do after consultation with the principal persons residing in his family, including the Uruguayan gentlemen I have mentioned, Mr. Masterman, and myself. We supposed the charge might arise from some misunderstanding springing from the fact that the Portuguese consul had, like many others, sought to relieve the necessities of destitute Brazilian prisoners of war who came under his observation. We were satisfied if that misapprehension existed there was no foundation for it, beyond the fact I have mentioned. As to the charge of *conspiracy*, none of us at that time had any such idea. On the 11th of July a very long note was received by Mr. Washburn from Don Gumesindo Benitez, the minister of foreign affairs. In this note Mr. Benitez discussed the question of the *right of asylum*, and came to the conclusion that Mr. Washburn was not entitled to extend asylum to any persons, and that consequently he was summoned to dismiss from the buildings of the American legation before sunset of the ensuing day, (Sunday,) all the persons who were not members of that legation; this, of course, included the gentlemen I have referred to from Montevideo. There was no insinuation that any of these individuals were guilty of any crime. Nothing was said in this note of any charge made against any one of them. Mr. Washburn consulted with the English engineers and mechanics, who, with their families, concluded it was best for them to leave, and they did so. Mr. Leite Pereira came to the same conclusion and surrendered himself. The Uruguayan gentlemen, on

consultation with Mr. Washburn, thought it was best that Mr. Washburn should make a special application in their behalf for them to be allowed to remain. Mr. Washburn wrote on Sunday, the 12th of July, to the effect that the Englishmen and their families and Mr. Leite Pereira had left, that Dr. Carreras and Mr. Rodriguez desired to remain, if the government did not object to it. He declined to enter into a discussion of the matter as to the right of asylum, but simply stated that the Englishmen and their families consented to leave, while the other gentlemen requested that the government would waive its objections and allow them to remain. To this a letter was received the next morning, July 13, in which the minister of foreign affairs, while thanking Mr. Washburn for his courtesy, as it was called, in meeting the views of the government in having the English leave, &c., stated that they could not grant him the favor he asked of allowing the Uruguayan gentlemen to remain, because they were *criminals*, and "that fact had not been mentioned in the note of the day before because the government had desired to avoid any unpleasant allusions, preferring to arrest them on the street; as Mr. Washburn had, however, spoken of them as his *friends* and entered into some statements in their behalf, the government was obliged to state that they were criminals and consequently that they could not be allowed to remain, and that the government would not concede the right of asylum to any persons not members of the legation." It was a day of agony in the legation. All of us had felt, latterly, as if we had halters about our necks. Some of us were at first inclined to put a bold face upon the matter and deny the right of the Paraguayan government to take any such steps, and to insist on the protection of these gentlemen; but they themselves, fearing that such a step might involve Mr. Washburn in difficulty, it being doubtful how long he might remain in Paraguay, having already sent on his resignation, and believing they might be in greater danger by remaining than by voluntarily delivering themselves up, proposed to surrender themselves. They also hoped to clear themselves from these mysterious charges. Mr. Washburn could not promise them protection till the end of the war, because he might be recalled by his own government at any moment. He had said in his letters to the government that specific charges must be made before he could feel himself bound to turn anybody out of his legation, and we well understood that specific charges would be made if they did not go voluntarily. On the whole, these gentlemen, confiding in their innocence, and entirely ignorant of any charge that could be made truthfully against them, having always sympathized heartily with the Paraguayan government in so far as the issue between her and Brazil was concerned, knowing they had done nothing which could properly render them objects of suspicion, preferred to give themselves up, and did so that day. They were arrested on the corner of the street in our sight.

These gentlemen having left at 1 o'clock in the day, the same evening Mr. Washburn received another dispatch, in which Mr. Masterman and myself were demanded as being guilty of crimes "not less serious than the persons who had previously delivered themselves up," but without specifying those charges, as indeed no charge had been specified against anybody. As we were claimed by Mr. Washburn as members of his legation, he determined that he not only would not surrender us up, but advised us not to surrender ourselves, and immediately replied to that effect, stating that we were members of his legation, that he could not assent to our extradition, and asking for his passports in order to leave the country along with us. He continued to maintain a correspondence on the subject for about two months. I should have mentioned that on the previous day, the 12th of July, the four corners of the street around the legation were occupied by pickets of soldiers doing police duty in the city. Their number varied from time to time, but there were never less than from 20 to 30, and sometimes more. They remained there for two months, night and day, with orders to seize Mr. Masterman and myself if we should present ourselves in the street. We were consequently obliged to remain in the legation all this time. I could not at any time go to my own private residence, where I had left my own property, including valuable documents and manuscripts, which on my imprisonment remained there, and which I have never recovered. At this time no one in the legation was called for but Mr. Masterman and myself, all the others having previously left. In the last days of August, the United States gunboat Wasp arrived in Paraguayan waters, to take away the members of the American legation. Mr. Washburn then applied for passports for members of that legation, expressly including Mr. Masterman and myself; to which the government replied, stating that passports would be given to *himself*, and his legation *only*, the members of his present household; expressly excluding Mr. Masterman and myself, and a negro servant who had come to the house as the servant of Dr. Carreras. On the 10th of September, after making my will, which was attested by Mr. Washburn and delivered to him, and writing letters to my parents, Mr. Washburn and the members of his legation started from his residence to go on board the Paraguayan steamer, to embark on the United States gunboat Wasp, which lay several miles below in the river, not having been allowed to come nearer to the city.

WASHINGTON, D. C., April 24, 1869.

Examination of PORTER C. BLISS continued.

By Mr. ORTH:

Question. When you closed your testimony on Thursday, you had proceeded to your point of departure from the American legation in Asuncion. You will now proceed to relate in narrative from what occurred subsequent to that time.—Answer. On the 10th of September, 1868, Mr. Washburn and the members of his legation started from the legation building on the way to the Paraguayan steamer, which had been set apart for the purpose of taking him to the United States steamer Wasp, three or four miles down the river. At the first corner of the street Mr. Masterman and myself were surrounded by 30 or 40 Paraguayan police soldiers, the same who had been on guard for two months on the lookout for us; and in the presence of Mr. Washburn, and of the French and Italian consuls, we were driven away to the police prison; Mr. Washburn making no useless demonstration at the time, other than to salute us in departing by a wave of his hat. We had just gone through the ceremony of parting inside the legation, as we were perfectly well aware that we would be seized, and Mr. Washburn had advised us to accuse him of conspiracy, if necessary to save our lives. The Paraguayan government had stated expressly that it would seize our persons by force, if necessary, and had demanded our surrender in peremptory terms on five different occasions during the previous two months.

The troops formed a hollow square, and accosting us in the Guarani language, with shouts and jeers told us to go to the police headquarters. We were each of us provided with a satchel, in which we had packed up such necessities as we considered were most absolutely necessary for our comfort during imprisonment, and which we supposed we would be allowed to retain, including several changes of linen, combs, biscuit, cigars, a little money, one or two books, and other articles of the first necessity. On reaching the police headquarters, the negro servant named Baltazar Carreras, who was also arrested at the same time with us, was first taken inside and ironed. Mr. Masterman and myself were remaining outside until that operation was finished. My turn came next. I was taken in, my satchel taken from me, I was ordered to strip off all my clothing, which was most carefully searched, even the seams being rigorously examined, to see if we had concealed any cutting implements or other articles considered contraband. Everything in my pockets was taken from me, with the exception of a few cigars which were left me. I was then returned the clothing, and told to put it on, and then to sit on a stone in the presence of a large circle of soldiers mounting guard. The blacksmith was called to put fetters upon my ankles, upon which I turned to the chief of police, who sat by, and asked permission to light a cigar; he looked rather surprised at the audacious request, but allowed me to pick out a cigar, and handed me a light. I sat smoking but silent while the irons (of 30 or 40 pounds' weight) were riveted upon my ankles. I was then taken to a dark dungeon in the interior of the police department, and the door closed but left slightly ajar. Mr. Masterman was treated in the same manner a few moments later.

By the CHAIRMAN:

Q. Was it in your presence that he was ironed?—A. No, sir; I had been first taken to my dungeon before he was brought in to be ironed, but I could hear the hammering going on. When I speak about what happened to me, I wish to be understood as stating substantially what happened to both of us, except in cases where I refer particularly to one of us only. Mr. Masterman not being here and having submitted only a summary statement, I can, in great part in my depositions, speak also for him. I was left there without any further visits from any person, except on one occasion, a small jar of water being brought to me, but no food until 8 o'clock in the evening, which time I spent lying on my back on the brick floor of the dungeon, counting the quarter hours struck by the cathedral clock and smoking. As fast as one cigar was finished I would light another, because a cigar being *company* for me I did not wish to lose the light.

At 8 o'clock in the evening I was called on by a guard and told to follow them. I marched as fast as I could with the heavy weight of my fetters, which allowed me to take steps only about two inches in length. Proceeding to the principal entrance of the police department, I found there a number of soldiers with torches; I found also horses and mules, with the rough saddles of the country, all prepared as for a night of exertion. The chief of police met me there and told me to get on one of the horses, which was brought up alongside of the steps. I looked at him for some time, not being able to get my wits about me at once, or to imagine how I, with those fetters on me, was to mount a horse! After waiting to receive some further intimation from him, he hinted that I was expected to get on *sideways*, which was the only way I could ride. I was finally assisted to the saddle and then strapped on. Mr. Masterman and the negro were immediately brought out and mounted upon the other beasts. I was the only one who had the honor of being mounted upon a horse. The others were mounted

upon mules, I think. We then started upon a fearful night-journey to the headquarters of the army, about 36 miles distant. The sufferings of that night to all of us were such as I never endured in an equal period before or since, though I was subsequently put to the torture on various occasions; but the tortures to which we were subjected were tolerable when compared with the agony we suffered on that fearful night. I had received no food since our arrest, weighed down by my fetters, which dragged me off the horse a number of times, having to be assisted on again by attendant soldiers, being obliged to make a constant effort to maintain my equilibrium upon the beast, suffering for lack of sleep, before morning I became nearly exhausted. The weight of the fetters upon my ankles had become excruciating torture until I nearly fainted, but nevertheless was obliged to maintain my position, still without food or relief until noon of the next day, when we arrived at the headquarters of Lopez's army, 36 miles from Asuncion. The roads were very bad. We had to cross hills and valleys and the beds of mountain streams. I fell off several times and was dragged a considerable distance by the horse I rode.

More dead than alive, we were dismounted from our animals, Mr. Masterman having suffered perhaps still more than myself during this journey. Our persons were then examined again for contraband implements, which not being found we were taken within a hollow square each side of which might be perhaps of 40 or 50 yards. It was in an open field, the interior having been cleared from bushes, and each side of the square was guarded by half a dozen soldiers. I found within this hollow square I think 65 prisoners, each one or each squad being designated a particular spot where he or they could sit, and obliged to continue in that position all the time and not allowed to speak to their neighbors. A majority of these were prisoners of war, a number of them being Brazilian negroes, who were almost naked and in the last state of exhaustion and extenuation from hunger; they received no food except bits of the entrails of animals thrown to them twice a day which they were obliged to cook for themselves. My soul revolted with horror as I saw these entrails stuck upon sticks, from which the poor wretches were endeavoring to obtain some nutriment with occasionally a bone which they were gnawing. There were also several political prisoners there, one of whom was our friend, Dr. Carreras, the Uruguayan prime minister before mentioned, who was induced to surrender himself from the American legation, as I have before stated in my previous examination. He was in infirm health, and worn down almost to a skeleton; his clothes had been cut away by the fetters he wore; his nose seemed to be broken across the middle and was covered by a white patch. He was so haggard that I had to look at him again and again for a long time, before I could recognize him as my intimate friend with whom I had so recently passed many months in the American legation. The other Uruguayan gentleman, Mr. Rodriguez, was not there and I was never able to ascertain anything about his fate until after leaving Paraguay, when I learned by the list of victims published that he had been previously executed in the month of August. Other political prisoners were there, all of them heavily ironed and in the most squalid and emaciated condition. Many of them were my acquaintances, and several were intimate friends. Six or eight of them were priests, some of whom I knew. They seemed to be a little more comfortable than the other prisoners, although they were ironed equally heavily, but as the *cloth* has always been held in very great respect in Paraguay, they seemed at that time to have got along a little better than most of the other prisoners. There were three or four other similar squares in the immediate vicinity, in which were the great body of the prisoners then surviving. Of all these not more than four or five besides ourselves are now living, as I have since learned from trustworthy evidence: all the political prisoners having been executed, if not before, in the general massacres of the 11th and 21st of December.

Q. What were the massacres of which you speak?—A. On December 11 many prisoners were shot in consequence of an attack by the allies. On Lopez being routed in his encampment on the 21st of December last and the outer entrenchment of his camp being taken, he ordered *all* the remaining political prisoners, with two or three exceptions, to be shot. From first to last, nearly 500 prisoners were executed or tortured to death, as appears by the list communicated the other day, with other documents, to this committee by the Secretary of State, and which has been published. Among these 500 victims, at least 150 were persons with whom I had a personal acquaintance and very many of them were intimate friends. A few were executed singly, but the greater part in groups of from six or eight or ten up to the number of 83, which was the highest number executed one day. On a single day, the 22d of August, there appeared in the list of persons executed 44 victims with whom I had a personal acquaintance, and on other days there appeared 10, 20 or other large numbers who were equally my friends, and scarcely a day passed during several months in which some one of my friends is not mentioned as having *died a natural death* in prison, which means simply being *tortured to death*. I am a witness myself to the treatment of these prisoners, I have seen the torture inflicted on repeated occasions, as I shall detail hereafter, have suffered it myself. These hundreds of prisoners suffered torture, causing their death in many instances, for the purpose of extorting confessions. I believe that not a single one of these victims

ever voluntarily confessed himself guilty of any conspiracy. And it would have been absurd to have done so, because every person at all acquainted with the condition of things in Paraguay knows very well that under the peculiar system of *espionage* so vigorously and universally carried out, officers of the government being *ex officio* spies upon each other, brother being spy upon brother, friend upon friend, husband upon wife, no such thing as a conspiracy could possibly have existed. The theory of that government has always been that the President should know everything that is passing in the bosom of families. I have within my reach a great amount of evidence which I could present in support of this fact, if the committee desire it. The official documents published by the house coming from the different agents of the government in Paraguay in years past, the reports published in Buenos Ayres and Rio Janeiro papers, coming from officers of other legations as well as those in Paraguay, and letters which had been published from credible witnesses in Paraguay, all go to support this view of the case—that a conspiracy is a thing absolutely impossible in that country. And yet there is no country in the world in which there has been for the last few years so large a number of *imputed* conspiracies. During the dictatorship of Dr. Francia, which lasted from 1815 to 1840, he executed on different occasions all the most important, wealthy, talented inhabitants of the country to the number of 80 or 100 heads of families upon the charge of *conspiracy*. During the dictatorship of the late president, Carlos Antonio Lopez, father of the present Marshal Lopez, another conspiracy was supposed to have been found out, for which another installment of wealthy and influential citizens lost their lives. At the commencement of the dictatorship of the present Marshal Lopez still another conspiracy was said to have been discovered, in which many of the most prominent men of the country were implicated, their head being the priest *Maiz*, who was one of my judges! Their offense was, that they had not really favored the election of Lopez as President. Although the Congress which elected him gave the unanimous suffrages of all its members for Lopez, that did not satisfy him; he knew that the unanimity on the surface was really fictitious; that among the members of the Congress who gave their votes for him, many of them did so under compulsion, the Congress being watched by the military authorities and every mode of influence being brought to bear upon it, which was well known to persons living in Paraguay. During all these years it is not too much to say that almost every foreigner who had any pecuniary interest, anything to constitute *wealth* in that country, has lost his life and his property, and every native family possessed of any wealth or influence in the state has suffered confiscation on the execution of its leading members. Not a person has remained alive in Paraguay of any social rank or position or intelligence. It has been a massacre of all that was respectable and influential in that country from time to time, all upon the absurd charge of *conspiracy*.

The phantom of government which, when Marshal Lopez took the field, was left at the capital in charge of the Vice-President and the four ministers of state, with the different clerks constituting these departments, was not even permitted to continue in existence. All the members constituting this government were arrested *en masse* on the 13th of July last, on the same day that Mr. Masterman and myself were first demanded. The employes of the government, to the number of eighty or one hundred, were arrested on that day and conveyed in irons to the headquarters of the army, where they were put to the mockery of a trial. A majority of them were tortured to death within the next two months and the rest executed. Among the list of the victims of Lopez, as published from an original manuscript found in his encampment, it appears that Lopez has made an indiscriminate slaughter of all those who were his best friends and supporters during the war, including the editors and publishers of all the *four* newspapers which were published in Paraguay in support of Lopez's war policy. This was at different times from July until December, there being some executions almost every day, and almost every day one or more persons being reported as having *died a natural death*, which is another mode of statement for being *tortured to death* in prison, as I said yesterday.

To proceed with my own narrative, after being allowed to lie upon the ground for about half an hour, on reaching the encampment of Lopez about noon, on the 4th of September, 1868, Mr. Masterman and myself were called for by the sergeant of a company of soldiers to be taken before the so-called *tribunals*. We were in the last stage of exhaustion, as previously mentioned, having been then for more than 24 hours without food, and not being destined to receive any until night-fall, making 36 hours in all. Being lame and stiff, and scarcely able to move, we were whipped on by soldiers, derided and jeered by them with the continual exclamation in the Guarani language of "move on, move on." Mr. Masterman was taken before the military tribunal and I before the so-called *civil* tribunal, the latter being the one of highest rank. The negro servant who accompanied us was literally *flogged to death*; he died two days later. These tribunals held their sessions each of them in a mud hut within the encampment of Lopez. I found the tribunal before which I was taken to consist of six or eight military officers, as I supposed them to be, though I afterwards learned that all of those who were really officers of the army were not members of the tribunal, but were merely

spectators on that occasion. But as they all wore military uniforms I supposed them at that time to be all officers and members of the tribunal. Two of them were priests, disguised in the uniform of officers, and these were really the persons constituting the tribunal. A third priest was secretary, and other persons wearing military uniforms were present as spies or spectators. I was interrogated, after taking an oath, by a man apparently about forty years of age, in military uniform, of slender figure, with rather an intellectual appearance, whom I afterwards learned to be the chief inquisitor, the priest called Father Maiz, but whom I then supposed to be a military officer. I was asked my name, and how I came to that encampment, to which I replied, I had come on horseback in the plight in which he then saw me. I was then asked if I knew for what I had been imprisoned; I replied that I had learned by notes addressed to Mr. Washburn, that I was accused of some grave crime, the nature of which was not stated, and that I had understood in the same way that I was charged with signing a paper, as member and secretary of a committee which had agreed to assassinate Marshal Lopez, and substitute another government in the country with the assent of the officers of the allied forces. "I knew these facts concerning the accusations from publications made in the official paper. I had no other means of knowledge, and being completely innocent of these accusations, I could have no reason for knowing why I was arrested other than the official notes which I had seen." The priest then replied: "And how is it that when we have such perfect proof of your guilt, when we know that you have been one of the worst of those who have taken part in this conspiracy, that you have been one of the leading members of the committee organized to take measures for the overthrow of the government of Marshal Lopez and for his own assassination, when your accomplices, all of whom have been imprisoned before you, have confessed their guilt, and you yourself have seen extracts from their statements which have been previously sent to the minister for his information, in which these parties have not only confessed their own criminality, but have accused you also; how is it that you have the audacity to pretend to deny your guilt? You ought to understand that when we have brought you before *this* tribunal your guilt is an ascertained fact. You are not brought here to make any defense of yourself. You are brought here simply for the purpose of clearing up by your own confession and your own depositions the facts in the case connected with your complicity in the conspiracy. As to your guilt we know that already, and we shall not allow you to endeavor to dodge the point." I was then asked again if I would confess myself to be guilty. I replied that I would not, "that I had always been during my entire residence in Paraguay perfectly loyal to the government, had never taken any step which could justly be complained of by the government; that so far as relates to the quarrel between Paraguay and Brazil concerning the question of boundaries and of the balance of power in South America, I had sympathized with Paraguay and had done what I could to sustain the Paraguayan cause in that aspect of the case; that as to the accusation of *conspiracy*, it was absolutely false, no matter who might have testified to the charge. This was all recorded as my protestation of innocence. I was then asked if I knew Dr. Carreras, and if I knew Mr. Rodriguez, and then each one of five or six others who were charged as being principal persons in the conspiracy, and whom, as I afterwards learned, were named as members of the *committee* to which I was accused of having belonged, and which included two of the members of Lopez's cabinet, his own brother, Benigno, and two or three foreign gentlemen who had resided in the country. I was asked if I knew these persons. I replied in each case in the affirmative, stating exactly how far I had known each of these gentlemen. I was then interrogated the second time how it was possible, I having stated that I was well acquainted with each of these individuals, and they having confessed that they were members of the conspiracy in which I was deeply involved, holding an important post therein, for me to have the audacity to maintain my innocence. I replied that "I knew nothing about any such committee or any such conspiracy; that other people might say what they liked, but I would speak the truth. That as I had been sworn on my entrance to the tribunal to speak the truth, in accordance with the terms of my oath I was resolved to tell the truth, and nothing but the truth." I then insisted upon their recording for the second time my protestations of innocence, which was done.

After that, the two priests, as members of the tribunal, appealed to me again, saying that it was entirely useless for me to maintain my innocence. "It was well known I had been led away by Mr. Washburn, who was the genius of evil for the Paraguayan nation." It was intimated to me by insinuation, that by developing all I knew about Mr. Washburn's machinations as connected with the conspiracy, I might lighten my own sufferings and the guilt which they considered as attaching to me in the case. They said to me that they knew I had a most wonderful *memory*; that I was perfectly acquainted with all that had taken place in the matter from first to last; that I had conducted the correspondence in a great measure; and they expected from me a full and detailed statement of all the facts and circumstances, saying that by so doing I might render a service to the government which might go very far to mitigate my own position. They desired me therefore to state "all the facts in regard to the maneuvers of this wretch Washburn, who had just got away from the country by the

skin of his teeth." They expressed themselves very bitterly against Mr. Washburn, who had been charged by the prisoners previously tortured and forced to confess, with being at the head of the conspiracy. The plan of proceeding was simply this: these prisoners were obliged to invent some story, and were desirous of attaching as much blame as they could to parties who they knew to be beyond the reach of the Paraguayan government; it being their plan to protect as far as possible the innocent prisoners who were then within the clutches of Lopez.

By Mr. ORTH :

Q. Do you know whether or not these confessions were made with the assent of Mr. Washburn, in the case of the persons who had been previously arrested?—A. It was not with an understanding on the part of Mr. Washburn, because at the time of these arrests Mr. Washburn had no knowledge of a charge of conspiracy; but in the case of Mr. Masterman and myself, as I have before stated, we had an understanding with Mr. Washburn just previous to our arrest. Mr. Washburn, referring to the notorious fact that false declarations had been made by our friends, most probably under torture, said that we might very likely be spared suffering to a certain extent by our accusing him, and that if necessary for the purpose of prolonging our lives, or mitigating our sufferings, we might accuse him of *anything*, and might say *anything* or *everything* against him that circumstances might demand. I resolved not to do so except in the last instance, and under the most absolute necessity. And in order to prevent such a necessity, I repeatedly appealed to my oath, stating to the members of this tribunal that by virtue of the sacredness of my oath I could not do otherwise than protest my innocence. One of the priests finally said to me, "I regret very much, Bliss, that you give us so much trouble. Your companion, Mr. Masterman, has already confessed. He has not given us half as much trouble as you have." Mr. Masterman subsequently informed me that the same thing was said to him, that I had already confessed. In point of fact I believe Mr. Masterman's confession preceded mine by perhaps two or three hours. I repeated my protestation of innocence, which was twice taken down before I would go on. This priest then said: "We have a way of treating refractory criminals which brings them to their senses in a very short time. You may believe my word, you will not be able to persist in your contumacy very long, if we are obliged to resort to this treatment. You will be obliged to endure horrible sufferings if you continue to persist. You know the charges. What do you say? Are you innocent or guilty?" I replied "I am innocent." And I continued to protest my innocence, upon which the two priests left the room and went out to consult, leaving me in the presence of one or two military officers, one of whom was a former acquaintance of mine, Major Serrano. While they were out he expostulated with me. He said: "You know, Bliss, that I have known you before, and would like to do something for you, but it would be perfectly useless for you to attempt to held out. You will be obliged to confess, and your lot will depend a great deal upon your conduct before this tribunal. If you make a plain straightforward statement, confessing your guilt, and giving full particulars, you may commend yourself to the benevolence of Marshal Lopez, and may probably have your life spared. Otherwise there is no hope for you. If what is called the *process* or record of the trial shows that you remained firm in your protestations of innocence, giving a great deal of trouble to the officers of the tribunal, there is no hope for you." I then inquired of one of the priests who came in to expostulate with me whether he could give me any positive guarantee that in case I complied with their demands they would respect my life. They said they could not make any positive stipulation to that effect, but that I would certainly be entitled to *hope* for clemency upon the part of Marshal Lopez by telling the truth, that is to say, by confessing myself guilty of the conspiracy. All this time they continued to denounce Mr. Washburn, and call upon me to make statements concerning him. After a good deal of reflection, extending amid these altercations through several hours, and having undergone fearful physical suffering, (I was not *then* put to what was ordinarily called torture; but the treatment I had suffered was actually *greater* torture to me than that I endured on any other occasion;) having been taken to that tribunal and kept for 12 mortal hours without any food, and this after having been denied food for 24 hours previously, with my manacles on me which had become painful beyond endurance, eating into the flesh; what I suffered was to me torture beyond anything I afterwards endured, although not *technically* called torture. I say, that, having endured all this, and after reflection, I finally came to the conclusion that I would confess in a general way and throw the blame of everything on Mr. Washburn; that I would not implicate any one within the reach of Lopez, but that I would spin out my statement as long as possible for the purpose of gaining time until I was sure Mr. Washburn had left the country, and was out of harm's way; that I would go into great detail about Mr. Washburn's previous antecedents, thus *talking against time*, and see if it were not possible, by throwing everything upon him, to palliate the charges against myself and the other victims who had been forced to make similar confessions. I therefore commenced my statements, going back to the first arrival of Mr. Washburn in the country, seven years before. I spun a long story about the influences under which Mr. Washburn had been appointed. I charged him with

having come to Paraguay originally in 1861, with the intention of making a fortune out of the Hopkins claim; that he intended to make a hundred thousand dollars or more out of that. I went on giving statements at great length about Mr. Washburn's movements and intentions through his entire life in Paraguay, charging him with all sorts of crimes and delinquencies, as agreed upon with Mr. Washburn, himself. I gained time by making these calumnious charges, and at midnight, after being 12 hours before the tribunal, I was remanded to the prison square, where I was chained up by my fetters to a rope which ran round the square and to which all the prisoners were chained at night-fall. Before long a guard came round and I was given some boiled beef which I had to eat with my fingers, that being the only mode of eating allowed, except on some occasions when they brought me a horn spoon. No knife or fork or any cutting instrument was allowed. I might mention, that on arriving at the encampment, all the buckles were torn off from my pants, under pretence of not allowing any metallic substance to remain on my person.

The next morning at an early hour, probably nine o'clock, I was brought before the tribunal again, and on that day, and on each of the four succeeding days, I was up before the tribunal, engaged in spinning these romances about Mr. Washburn. On the first day I was called upon to write those letters to Mr. Washburn which have been published in the United States, and which, of course, were written by order, and under the supervision of these officials, although they express on their face that *at my own request* I was permitted to write them. One was written to Mr. Washburn, and one purported to be written to my father. My father's real name is Rev. Asher Bliss, and his residence Onoville, Cattaraugus county, New York. In order to hint to Mr. Washburn that the letter was *not* written voluntarily by me, I directed it to *Henry Bliss, esq., New York city*. The letter to Mr. Washburn I was obliged to rewrite five times before it was satisfactory to the officers of this tribunal. It contained statements which I knew Mr. Washburn would be aware were incorrect, but which the tribunal did not know to be incorrect, and which were intended to be a hint to Mr. Washburn, as in fact they were, as taken by him, indicating under what influences any documents coming to him from me in prison were written. Mr. Washburn perfectly well understood it, as he subsequently told me, and as appears from his correspondence from Buenos Ayres, and elsewhere. He knew what must have taken place to have induced me to write these letters, and never felt the least hard feeling in consequence; indeed, he has explicitly approved my conduct under these circumstances.

This first confession which I made was limited to the assumed *fact* of the conspiracy, which had been gotten up in the first instance by Mr. Washburn. I stated that I was an unwilling witness of what was being done; that I had rendered Mr. Washburn some assistance, but I denied having taken any important part in the conspiracy. I was allowed to go on manufacturing this story for four days. On the fourth day I was told that my statements about Mr. Washburn were all very well so far as they went, but that I had been prevaricating; that I had not confessed the full extent of my own complicity with what was called the *revolution*. (That was the cant name for the supposed conspiracy.) "I had not confessed my own very great complicity, and the very important part I had taken." I was interrogated by the person who acted as chief torturer, an officer named Major Aveiro, and who was brought into requisition whenever the services of any person were needed for that purpose. The plan of the conspiracy, as this tribunal had it, was that 11 individuals, constituting a committee, at such a place and such a time, had put their names to a certain paper, which I had drawn up as secretary, in which they had agreed to assassinate Marshal Lopez, and organize a new government in Paraguay. This was the first intimation I had of such a committee. I knew, before that, I was accused of having put my name to some such paper, but who were the *other* persons who had signed along with me I had no idea, and the demand made by the tribunal for the details of this transaction took me by surprise. I replied that I knew nothing about it; that I had not seen such a paper. The major said it was useless to deny it; that he knew I had been secretary of the committee, and drawn up the paper myself, and then said I would be confronted by all the other members of the committee; that they had all confessed *their* complicity, and accused *me*, and that I would have to confess mine. I again replied that I knew nothing about it. During the rest of that day I continued so hold out in my denial of any knowledge of this committee. This was the fourth day. At night-fall, after having been taken back to the encampment, where I was kept, I was brought up again along with Dr. Carreras, the Portuguese consul, and an Italian captain who had been a friend of mine, also a prisoner, all three of whom were accused of having been members of that committee to which I was supposed to have belonged. We were brought up in single file. I was taken in and asked if I still persisted in denying my signature to that document. I replied: "I do deny it, and I will continue to deny it." "Oh!" said a priest, "we will bring in witnesses;" and they did bring in the Italian captain, who being confronted with me, was asked if it was true that I had signed that paper. This man having of course been previously tortured and forced to confess, said I was one of the 11 who had signed it. I still stood out and said that I had not. He was then told

to expostulate with me, and he said to me substantially: "You know, Bliss, you signed this paper. Why do you attempt to deny it? All of us will testify to the same fact. You know very well that you did. Let me bring the circumstances to your mind. Don't you remember that on a certain evening we met together, 11 of us; that Manlowe was to have been there, but did not appear? Don't you remember that you arrived last, after we were all assembled?" Said I: "Who were the individuals that signed the paper, and in what order did they sign?" He then mentioned the names in order, commencing with Benigno Lopez, the brother of the President; then Berges, the ex-minister of foreign affairs; then Bedoya, a brother-in-law of Lopez; then Dr. Carreras, the Uruguayan prime minister, and Rodriguez, the former chargé d'affaires of Uruguay, both of whom had been lately living with us at the American legation; then the Portuguese consul and vice-consul, the former of whom had also been arrested from the American legation; then the Italian captain, who was a witness against himself; then two Frenchmen, one being chancellor of the French consulate; and lastly, myself. I paid great attention to this detail, as it gave me the first clue to the individuals with whom I was expected to confess myself to have acted on that committee; and it was for that purpose that I requested him to give the *order of names* in which we had signed. Having a good memory, I was enabled to keep it in my mind for the purpose of making use of it whenever I should come to the point of continuing my confession into this branch of the conspiracy.

This captain was then taken away and Dr. Carreras brought in. He was asked, "Is it true that Bliss was one of the eleven who signed that document with you?" He replied that it was, and the question was then asked of me, "What do you say to that?" I replied, "It is false." Dr. Carreras said to me in a low tone, "It is useless to deny it."

Dr. Carreras was then taken away and the Portuguese consul brought in, being the third witness, who was asked simply, "Do you know the prisoner before you?" His answer was, "Yes." "Was he one of the eleven who signed with you?" "Yes." I had also ascertained that I would be charged with having received an amount of money for my services; in fact that had been stated to me before by the torturer. And I wished to ascertain what had been deposed against me; I therefore asked permission to cross-examine this witness, to which they assented. I then said to the Portuguese consul, "You have testified to my having signed that paper; I suppose you have also said that I received money for it?" "Yes," he said. "How much money do you pretend to charge me with having received?"

The officers of the tribunal breaking in then refused to allow the question to be answered, and the Portuguese consul was hustled away. Then turning to me they said, "Three witnesses you see have testified against you. You know that two witnesses constitute legal proof. We have been very indulgent towards you, while you have been making a fool of us for the last three or four days. You have made statements upon certain points, but you have not confessed the most important point up to the present time. We were under no obligation to bring these witnesses, because our own word is sufficient. All the other members of that committee have confessed in like manner. Will you now confess your part of the plan?" I replied, "No; because of the oath I have taken. I admit that three witnesses constitute legal proof, and yet they cannot make a falsehood true. And I can mention circumstances which would somewhat lessen the worth of their testimony." "What circumstances do you allude to?" Said I, "I allude to physical torture." There was an exchange of glances on the part of the members of the tribunal; when one of them remarked, "You are talking very *metaphysically* with us." "But we will treat you in a very *physical* manner. Call in the major," he said, referring to the officer acting as chief torturer. Major Aveiro then came in. He repeated the question, "Do you confess having signed that paper?" I replied, "No." He said, "You are trying to make a fool of me. I shall not fool with you." Whereupon he commenced buffeting me in the face with his fists. I stood there in my irons while he continued striking me with the full weight of his fist in the face, at every blow asking me, "Do you confess? Do you confess? Do you confess?" And I answered him, "No." When he got tired of that he drew his sword and commenced beating me over the head in like manner, each blow bringing the blood, and asking me, "Do you confess?" I replied in like manner, "I do not." Until, believing I had done enough to save my conscience and that I should not gain anything by enduring this suffering any longer, I replied "Yes." "Then dictate to us the document you signed on that occasion, as we know you were secretary of that organization—the document in which you promised to assassinate Marshal Lopez and to take upon yourselves the direction of the revolutionary movement." Thrown upon my wits in that manner I did dictate in a slow manner the document which is published in one of these congressional papers, [page 23, executive document 5, part 3,] in which I gave the text of a paper agreeing to assassinate Marshal Lopez, provided the means were not found of overthrowing him otherwise, and giving each to the other our word of honor not to reveal what had been agreed upon.

Q. After that had been done what became of you?—A. After that had been done I

was brought up two or three days in succession before the tribunal and required to give all the particulars of the organization; which I had been forced to confess I belonged to. I was charged with having drawn up a constitution for Paraguay to be put in force after the change of government. I was called upon to dictate the articles of that constitution. Believing I might as well give them as good a constitution as possible under the circumstances, in case I should be executed and the records of the tribunal discovered, I went on off-hand to improvise about thirty-five articles of a very liberal constitution.

Q. Was this the first testimony you had given in regard to that constitution?—A. Yes; I had no intimation of it whatever and was obliged to improvise this constitution as soon as I was charged with having framed one. I was cross-examined very minutely about that constitution and everything taken down in writing with great minuteness and carried to the President, as in fact there was almost always present some official spectator on the part of the President who carried to him the records of the tribunal, as fast as made. It seems that the President considered this constitution a rather incendiary document, as is evident from the fact that he did not allow it to go in the records of the tribunal. It was therefore suppressed and does not appear upon the records as permitted by him to be drawn up, and as now published. I should state here that these records as published are false in many respects; nothing is said about torture having been applied. In many respects they are deliberately falsified. The records state that I requested permission to write to my parents and to Mr. Washburn, and that it was conceded to me. It should have been stated that I was *forced* to write these letters. The dates of my depositions were in some cases altered. I was in some instances required to sign papers bearing date several days earlier and in others several days later than the deposition itself should appear.

By Mr. SWANN :

Q. Were these proceedings published from day to day while the trial was going on?—A. No, sir, they were not. After a few days' time I was called upon again and charged with having suppressed further important information. I was charged with having had communication with others of my fellow-prisoners in a clandestine way and especially with having kept from the knowledge of the court very important facts. I denied that also and continued to deny it. I knew very well they would apply torture again, some new form of torture, as I knew they had several forms.

By the CHAIRMAN :

Q. Do you suppose that Lopez considered your part in this alleged conspiracy so important as to require his constant personal attention to your statements, to the exclusion of other matters? Or do you suppose that his attention was given entirely to these matters having nothing else to do?—A. He believed my testimony and he believed my statements to be more faithful in their details than those of most of the other prisoners, for the reason that I was supposed to be secretary of the organization, and I was known to have a good memory. For these reasons they supposed mine would be an authentic account. I had been twice obliged by the pressure of events to confess what was not true as I had been confessing all along, but I thought I would again make a stand, that I would not confess anything further now, that if obliged to do it I would stand the torture as long as I could. I had had eight or ten days of enforced idleness in which to think about it, and came to the conclusion that I would say nothing more unless I was obliged to by pressure beyond my ability to endure. So then I refused to confess anything further and the torture was put in execution. I was seated on the ground, two muskets were placed under my knees and two muskets over my neck, my wrists were tied together behind my back and pulled up by the guard; the muskets above and below were connected with thongs fastened around them so as to be readily tightened; in some instances they were violently tightened by pounding with a mallet. They continued to tighten them, bringing my body in such a position that my abdomen suffered great compression and that I distinctly heard the cracking of the vertebrae of the spine, leaving me in that posture for a long time. In fact after I was on board the United States squadron I could never stoop forward without feeling a twinge in the back and in the abdomen. I remained in that position about 15 minutes, the officers standing over me watching the effects of their cruel work. At the end of that time I was prepared with a new batch of novelties of the most startling character. The priests came and stood over me cross-questioning me and extracted from me a general confession as to the heads of what they had inquired about, before they released me. After I had confessed in general, I was taken in that condition before the tribunal, who set to work to elucidate the minutiae of my new confession. I thought I would try the experiment of frightening Lopez by representing that the whole world was engaged in a combination against him. I stated to that tribunal that the alliance of Brazil, the Argentine government, and Uruguay had been dissolved and replaced by a new secret treaty of double alliance on the part of Brazil and the Argentine Republic, by which the republic of Uruguay was to be sacrificed along with Paraguay, and both of them fall a prey to the larger powers and to be divided up like Poland. I went into geographical

details, stating what were to be the boundaries of each one of these countries, and to give the terms of the treaty, which I had called the *double alliance* between Brazil and the Argentine Republic; stating that England, France, and Spain through their diplomatic agents had all been lending their countenance to the allies, that they were all in sympathy with the conspiracy going on against Paraguay, that it had been resolved to take possession of the Paraguayan army after the conquest of the country and engage it with the Brazilian army in fighting against Bolivia, Peru, and other adjacent countries. In that way I endeavored to confuse Lopez, who believed every word of these statements, and to convince him that he was in a most desperate strait. The evidence that he believed it may be found in the fact that after this he issued a proclamation to his army on the 16th of October, the Paraguayan 4th of July, in which he repeated the statement made in my last declarations as to a general combination of most of the civilized nations against them and made a last appeal to their patriotism.

I should have mentioned that it was my deliberate design in all these statements to exculpate, as far as possible, all my friends who were in durance, and never to charge them with anything beyond what they themselves had confessed, throwing the burden upon those who were absent or upon powerful foreign governments, for the purpose of lessening the degree of guilt which I was obliged to attribute to myself and my companions. Two days after making these last astounding revelations, I was *invited*, that is to say *commanded*, to put them into narrative form along with all my previous revelations. They were considered so very important that I was desired to express them in detail, with such a satirical commentary upon them as could not well be given through the medium of judicial proceedings. I was removed from the circle of prisoners where I had been remaining until that time, to a little straw hut situated a stone's throw from the tribunal, where I remained with my irons on, but had shelter from the weather, which I had not had in any sufficient degree previously. They furnished me a rude seat and a little wooden stand with an inkstand and paper, and kept me there for the next two months, until my transfer on board the American squadron. I then resolved to write against time, believing that so long as I could continue the production of anything startling in my pamphlet my life was reasonably sure of being spared; while in case I finished the pamphlet too soon I had no more guarantee for myself, and in fact I was threatened with death in case the pamphlet I was to write did not meet their expectation.

I commenced my work, devoting about forty pages to a fictitious biography of Mr. Washburn before his arrival in the country, and continuing it down to the conspiracy, indulging in as many digressions as I could, especially in the way of criticising Mr. Washburn's literary efforts, using all the sarcasm that I could command and bringing in as many poetical quotations and old jokes that I could remember. In fact, I made a list of such of my favorite passages of poetry as I could recollect, and put it in my sleeve for the purpose of inserting whenever available. When there was nothing in the narrative to suggest a joke, I would go out of the way to improvise circumstances for the purpose of bringing in the joke or the quotation. And believing this publication would inevitably fall into the hands of the allies and be interpreted by them correctly, I resolved to make it the medium of informing them and all the world in regard to the atrocities committed by President Lopez. I have previously stated that Mr. Washburn had been engaged in writing a work upon Paraguay, and that I had been employed in assisting him. Under the pretense, then, of giving a synopsis of Mr. Washburn's work on Paraguay, I devoted 150 pages to descriptions of the character and the enormities of Lopez, which I attributed to Mr. Washburn's pen, interspersed here and there with most merciless sarcasm in respect to Mr. Washburn's abilities, and especially in regard to this production.

Q. What became of that pamphlet?—A. I have a good many copies of it. Lopez gave me forty copies of it on coming away. I was kept writing with a corporal and guard over me some 12 or 14 hours a day. It was good discipline, and taught me industrious habits as a writer which I had never been noted for before that time. I have written as high as fourteen foolscap pages in a single day under these circumstances, and it should be remembered that this was written in a language that was foreign to me—the Spanish language—composed entirely of fictitious matter, inventing everything as fast as I went along. You can therefore very readily imagine there was some strain upon my intellectual faculties.

After a short time the printing of the manuscript commenced and continued—a sheet or eight pages being printed each day—until the completion of a pamphlet of 323 pages, quite a large book. The proofs were brought to me every day. I often wrote up to the middle of the night, and sometimes have been roused at 2 o'clock in the morning for the correction of proof, and as I was working against time, I was very particular about correcting the proof, often making as many new mistakes as I had corrected. I insisted upon the same proofs being brought to me repeatedly, and corrected them frequently three or four times over. At the last moment when the sheet was ready to go to the press I would discover that I had omitted some very important thing, which I would insist on interpolating or would put into the margin. On one of these occasions

I got into a quarrel with the priest, Father Maiz, having the printing in charge. He protested against so many extracts from Mr. Washburn's book, which were in utter condemnation of the administration of Lopez. He said to me: "Do you suppose we are so obtuse as not to see the drift of what you are doing? Do you suppose we are not able to see that you are writing a satire upon Marshal Lopez under pretense of quoting from Mr. Washburn's book? That you are anxious to put in everything that reflects upon him, and that you sedulously contrive to do so?" "Now," said he, "I will come in again in the course of an hour, and I advise you to look over your manuscript pretty closely in that time, when I shall take it away, and if anything of that description remains in it you will fare hard. It looks new as if you might have to stand your trial over again for deliberately falsifying and libelling the character of Marshal Lopez." As the basis of this charge was correct, being precisely what I had been endeavoring to do, *i. e.*, to give a true account of Lopez under the *nom de plume* of Washburn, I concluded that my time had come; but I put the best face upon it I could. The priest left me, and I hastily destroyed two or three very stinging bits of manuscript which I had prepared; but he did not return. He had previously been in the habit of examining my manuscript, everything I had done up to date. But just the reverse of what he had threatened to do took place. From that time he never examined my manuscript at all. I cannot account for it, but such was the case. He actually gave me greater scope than before, and I pursued the same policy afterwards. This same principal inquisitor, whose name was Maiz, had himself been imprisoned three years on the charge of having headed a former conspiracy, and he ingratiated himself with Lopez by writing a most abject confession of his own guilt, and now having greater familiarity with the conspiracy business than others, he was thought to be a most fitting person to persecute persons engaged in new conspiracies.

I had spun my pamphlet out as long as it was possible, and finally brought it to a conclusion on the 2d of December; that is to say, the printing was finished then; the writing had been finished some time before. On the 4th of December I was told that Marshal Lopez, out of his unbounded clemency, had determined to mitigate my sufferings, and a blacksmith was called in to take off my fetters. I had worn my fetters all this time, and had been kept on starvation diet, which consisted of a small ration of boiled beef twice a day, with a little cake of Mandioca flour, made from the root of a vegetable of that country, used as a substitute for potatoes. The diet was insufficient in quantity. I could have eaten at any time twice as much as I received. I was then asked what I would do in case I should see Mr. Washburn, or be brought face to face with him. I was asked if I remembered the concluding paragraph of my pamphlet, in which I expressed myself as desiring nothing better than to be allowed to go away from Paraguay, in order to prosecute Mr. Washburn before his own government for malfeasance in office. I declared that I would prosecute Mr. Washburn from one end of the world to the other until I had obtained satisfaction from him for getting me into that "bad box." I replied that I *did* remember it well, and quoted it. Some further hints were then given me that I might, perhaps, be soon set at liberty, though nothing definite was said on that subject. I was asked whether I would maintain my consistency in case I was the recipient of the clemency of his excellency Marshal Lopez. A blank book was brought to me, and I was invited to write in it, and asked what I wished to write. I said I did not know; "I was willing to write anything." I was set to work writing some epistles in a satirical style, directed to the commander in chief of the Brazilian army, the Marquis of Caxias, which were immediately published in sheets by order of Lopez. Four days later (on the 8th of December,) I was called out of my hut and had an interview with the inquisitor and head torturer. I was at that time, as I have mentioned, without any irons on, they having been removed four days before. I was then told that in his most exalted clemency Marshal Lopez had resolved to *pardon* my great offenses; that a new American minister had arrived there, and that as an act of courtesy to this American minister, President Lopez wished to pardon me, on condition of my maintaining *consistency* with my declarations before the tribunal, and that I was about to be brought before the tribunal for the last time; that everything would depend upon my conduct there, and my *preserving consistency*. I had been for three months wearing the same suit of clothes, and of course my pantaloons were cut to pieces with the irons. Of course I was fearfully dirty, and covered with vermin. A pair of drawers and shirt and some water was brought, and I was requested to put myself into a little more presentable condition before being called before the court for the *last act*. I was told I would find some of my countrymen there. I was not told who they were, or for what purpose they would be there. Nothing was said about the presence of the American squadron. Nothing was said about a demand having been made for our liberation. I concluded I was going to be formally sentenced to death, and that this sentence would then be remitted, and prepared to listen to such a process. But no sentence was passed upon me, and my trial never came to a technical conclusion. I was brought before the tribunal and found there two of our naval officers, to whom I was introduced in a very indistinct way. I understood one to be Lieutenant Commander Kirkland. The other officer's name I did not then catch, but

ascertained subsequently that it was Fleet Captain Ramsey, chief of staff to Admiral Davis. These officers said nothing to me except to ask my name—"Are you Bliss or are you Masterman?" I replied, giving my name. The tribunal then proceeded to cause all my depositions which had been taken down, during 20 days or more, to be read over, occupying the entire afternoon in the process. This took place in the mud hut in which the tribunal was held by the two priests I have referred to. These two naval officers took seats with the members of the tribunal, with whom they were laughing, smoking, drinking brandy, and receiving presents. They seemed to be on the most intimate terms with the members of the tribunal, but never saying a word to me, or taking any interest in my condition. At various times during this proceeding I was called on to acknowledge the genuineness of my signatures to the successive depositions. I did so, speaking in Spanish. I was then told by one of the naval officers to speak in English, and I replied in English, "That is my signature." At the conclusion of this proceeding we exchanged no further words, and in the presence of the United States officers I was called upon to subscribe to the entire document, acknowledging all my signatures, and certifying again to the correctness of the entire depositions, on which the members of the tribunal and the officers of the United States navy present signed the record. It was not stated whether or not they signed as witnesses, or as members of the tribunal.

Q. Was Mr. Masterman present?—A. Mr. Masterman was waiting outside the hut, and the same ceremony was afterward gone through with in respect to him. Mr. Masterman had also written a pamphlet, but he had not been able to invent anything of importance. His pamphlet consisted only of about 20 pages, and contained nothing but sheer abuse of Mr. Washburn. As fast as I stated anything supposed to be important, other prisoners were called up and made to indorse it. It was a good thing for them, as I always kept steadfastly in view the object of making such statements as would be for the behoof both of myself and all the other prisoners. Our interests were the same. And I never accused either myself or them, except so far as I was obliged to do it. During this interview there were present two Paraguayan officers, who understood English, so that I could not have spoken freely to the American officers. The head torturer sat opposite me, sword in hand, and with his sinister eyes fixed upon me with the most menacing manner all the time.

By Mr. WILKINSON:

Q. Did it occur to you that you could speak right out and deny all these confessions before these naval officers?—A. The question occurred to me and I reflected upon it as much as I could within the limited time allowed me, but I was then of the opinion which I still hold, that my life depended upon my confirming those statements.

Q. Did you not believe it was in the power of these officers to have protected you?—A. No; the presence of these officers would have afforded no protection. I should have been ordered out for instant execution.

Q. Did these officers then leave you?—A. They did.

By Mr. ORTH:

Q. What presents did these naval officers receive?—A. Lace-work and other curiosities of the productions of the country. I am not a personal witness of that, but Mr. Masterman was. I have my information from him.

Q. Did they put no questions to you at all?—A. None, except to ask me my name and tell me to speak in English. When I was called upon to verify my signature, I replied, "That is my signature." That is all I said and all they said.

Q. Did they ask you whether your statement was true or false?—A. Lieutenant Commander Kirkland said: "You acknowledge all that to be true?" I replied "Yes."

Q. Did he ask you how it was obtained?—A. He asked no further question whatever.

Q. Did either of them remonstrate with the officer for keeping watch over you with the drawn sword?—A. They made no remonstrance whatever. They seemed to be perfectly satisfied with the manner affairs were going on.

By Mr. SWANN:

Q. Had you reason to believe that these American officers were under any impression that these statements had been extorted from you?—A. I did not consider it safe for me to say a word to that effect under these circumstances.

Q. Were they under the impression that your depositions were all true?—A. If they were fools enough to believe so, under such circumstances, they may have done so; in fact, I suppose they did so believe.

Q. How long had they been in the country before this?—A. They had just arrived. They arrived on the second day of that month. This was on the 8th. They had had no communication with any foreigner in the country. The foreigners being all in the prison, and they knew nothing except what Lopez had told the admiral. Lopez said that we had freely confessed our guilt, and apparently succeeded in bamboozling him completely.

Q. You will proceed with your narrative.—A. I was kept in prison two days afterwards. During which time I was called on to write two or three documents; one of them was a letter of thanks to Marshal Lopez for pardoning me.

Q. Still there was nothing said of your release having been demanded?—A. No; nothing whatever, except what I have stated: "What is your name?" "Speak in English." "Do you acknowledge all that to be true?" That was all that was said to me by the American officers. I was in total darkness as to the circumstances of the arrival of the American squadron. I did not suppose there was but *one* steamer there. I supposed that the Wasp had come up to bring our new American minister, whose name was not told me.

Q. Was that General McMahon?—A. Yes; he was on board the Wasp; and three other steamers had also come up. I was proceeding to say that during these two days I was made to write a letter thanking Lopez for his clemency in pardoning me. I was made to write another letter to the members of the tribunal, in which I was expected to praise their impartiality and the benignity with which they had conducted my trial, as well as the high judicial qualities they had displayed. I was also required to write another satirical letter to the commander-in-chief of the Brazilian forces, and a letter to Mr. Washburn. All of which, except the first two, were printed on separate sheets by order of Lopez, as being very important cards for him, and copies of which given to me. On the 10th of December, at about 9 o'clock in the evening, Mr. Masterman and myself were mounted upon horses and escorted by a Paraguayan captain and several men. We proceeded through by-paths, avoiding passing through the centre of the encampment for a distance of about four miles, bringing us to the banks of the river Paraguay.

Q. You did not return to Asuncion?—A. No, sir. Our property, of course, remained confiscated in Paraguay. Before I left the head torturer brought me, done up in a large sack, 40 copies of my pamphlet, which had just been finished a few days before. I had written a letter to Lopez, to which he sent to me a very affectionate verbal reply. I had been obliged to confess that I had received \$5,000 in silver and \$5,550 in currency, and I had sent word to Lopez asking what he desired me to do with it. I had said that most of it had been taken out of the country by Mr. Washburn, who had probably confiscated it to his own purposes, but that in case I ever got hold of it I wished to return it to the Paraguayan government. I asked what disposition I should make of it. I received an answer that I might have no scruples in using a part of it for the purpose of convicting Mr. Washburn; that if my conscience forced upon me the return of the rest, I might return it to the Paraguayan legation in Paris. Just before embarking, however, in consideration of the letters I had written and the messages I had sent to the President, I received another cordial message from him in which he told me I might retain all that money myself; that I need not be at any pains to return any of it, it being understood that I should devote some part of it to the task of prosecuting Mr. Washburn for his crimes and misdemeanors. At the same time he sent me a few gold coins for my expenses on the home voyage. This I accepted, as it would have been dangerous to refuse it. I was put on board the United States gunboat Wasp by a Paraguayan canoe at near midnight on the 10th of December. Lieutenant Commander Kirkland was in command of the Wasp.

Q. Did you meet him on board?—A. I met him on the quarter-deck as I went up.

Q. Did he speak to you?—A. Mr. Masterman and myself saluted him. His reply was to call the master-at-arms and say to him, "Take these men *forward*; (that is to say, among the crew.) "Put a special guard over them, and do not let them loaf about; keep them together." Mr. Masterman, who is endowed with a full modicum of English pride, and who has been an honorary lieutenant in the English service in the Crimea, on the medical staff, flared up at once. He expostulated with Captain Kirkland, saying: "We are not mechanics. You call us *men*. I have been a lieutenant in the English service in the Crimean war, and have enjoyed the same rank in the Paraguayan army. You last saw us as *criminals*, but I hope you suspended your judgment." Captain Kirkland replied: "What would you have us call you? Would you have us call you *Misses*?" He said if we did not like the quarters, we could sleep on deck if we chose. He also said that we were to be treated as criminals, and sent as such to the United States. We slept on the hard deck that night among the sailors, with a sentry over us. It being the first occasion we had had of conversing with each other since the time of our imprisonment, we spent much of the night in conversation and comparing notes. We then learned for the first time that each of us had been writing a pamphlet, at least so far as I was concerned. Mr. Masterman, I believe, did know that I had been writing one, but I had no idea that he had been writing one. We compared the statements we had been writing, and discovered a wonderful coincidence in the stories we had been inventing; which is to be accounted for from the fact that whenever Mr. Masterman disclosed anything supposed to be important, I was called upon to confirm it, which I always did, going into further details in the same direction. The same was also true in respect to *my* statements being carried to him, which he always confirmed, taking the cue from me.

We had now been received on board the United States gunboat as *prisoners*. The

officers of the squadron in general held no intercourse with us. For 11 months of that year we had received no news outside of Paraguay, except a few items in a private letter to Mr. Washburn, and we were in entire ignorance of what had been going on in the world; entirely ignorant of the circumstances of our own relief, ignorant even of the fact of an American squadron having arrived, and we were left to learn the news as best we could. The following morning we first learned the name of the American minister who was on board, and that a squadron of four vessels was present. I then, on behalf of Mr. Masterman and of myself, most earnestly requested to see General McMahon, in order to inform him of the condition of things in Paraguay, and especially of Americans who were still in prison, five or six in number, and part of whom, I have since learned, had already been executed, as the others were at a later day. I made this request through the officer of the deck, who brought me the reply that, "in case General McMahon wanted to see me, he would send for me!" I never heard anything further from him after receiving this contemptuous reply. I was never invited to have, nor did I ever ask for any interview with Admiral Davis, Captain Ramsey, Captain Kirkland, nor any superior officer, until the last day of my stay on the American squadron, when I had an informal interview with Admiral Davis, at his own request, but upon a matter entirely foreign to these circumstances.

By the CHAIRMAN:

Q. Was General McMahon on board the same steamer with yourself?—A. He was on the same vessel with me for two days. On December 12, General McMahon landed from the Wasp, and the vessel started for Montevideo. As soon as the Wasp got under way for Montevideo the guard of Mr. Masterman and myself was taken away, but two or three days after our arrival at Montevideo it was placed over us again. We were allowed to communicate with some of the under-officers of the vessel, but with none of the superior officers—that is to say, none of them chose to associate with us. On our arrival in the road of Montevideo we were transferred to the flag-ship of Admiral Davis, the *Guerriere*. I should mention that we had been kept on the ordinary diet of sailors, which is hard sea-biscuit, pork, occasionally beans and rancid butter, and once or twice a week an atrocious mixture, which is very appropriately called *dandy funk*, composed of sea-biscuit moistened, mixed with molasses and baked. My stomach revolted from it. I could not eat anything. I was suffering from dysentery, and the diet aggravated the disease. I was an intense sufferer while on board the Wasp.

Q. You had no medical attendance?—A. I made known my condition to the physician, Dr. Gale, and requested to be allowed a little brandy, which I much needed, and on one single occasion only I received a wine-glass full. I requested to be allowed a regular ration of rice. The doctor ordered me some on two or three occasions, but not regularly, and I still continued unrelieved until I was transferred to the *Guerriere*, when the change of diet effected an instantaneous cure. On board the *Guerriere* we were put into the mess of the warrant officers, and the change from barbarous to *civilized* fare, as I have stated, worked an instantaneous cure. Our diet after this was good, being the same that was served at the warrant officers' mess. I have nothing to complain of in that respect. From being a severe sufferer, after being one day on board the *Guerriere*, I found myself surprisingly better.

WASHINGTON, D. C., April 26, 1869.

Examination of PORTER C. BLISS continued.

By Mr. ORTH:

Question. What were you told by the Paraguayan authorities prior to your appearance before the judges on the 8th of December, 1868?—Answer. I was told by one of the judges who was accompanied by Major Aveiro, a man who acted as chief torturer, that a United States gunboat had arrived with a new American minister on board whose name was not told me, nor was anything said about the arrival of the squadron or of the admiral. This was on the occasion when they informed me that President Lopez desired to pardon me and deliver me over to the custody of the new American minister, to be dealt with by the justice of my own country; that he had determined to do this as a courtesy to the new American minister, and that it must be understood that it was with the condition that I should be *consistent* with my confessions; that I was then to be called before the tribunal for a *last act*: that was the expression used; and as I have stated, the impression conveyed to my mind on that occasion was that I would meet some of my countrymen, but who, or in what capacity, I had no idea, and that the *last act* or ceremony would be to formally condemn me to death, and then remit the sentence and turn me over to the American minister.

Q. Had you been acquainted prior to this time with Lieutenant Commander Kirkland or with Captain Ramsay?—I had not. I knew that Lieutenant Commander Kirkland was commander of the Wasp. I had no idea who the other officer was, although I understood he was not in command. If his name was mentioned to me it was in such a tone that I could not make out who he was.

Q. How did you know that Captain Kirkland was commander of the Wasp?—A. Because he had been up on two previous occasions. I did not know him personally. I was told by the judges, "This is Captain Kirkland." And the other officer's name may have been mentioned, but I could not identify him.

Q. Were these officers in uniform?—A. They were in uniform, but I, not being acquainted with naval uniforms, could not judge as to their rank. I knew they were American officers.

Q. Why did you not in the presence of these American officers, when called on to verify your testimony, extorted from you under torture, state in their presence that it had been extorted from you and deny the whole thing?—A. Because it would have been the signal for my execution. I was fully persuaded as to that fact. I had reflected upon it before I came, and came fully to that conclusion, which was corroborated by exactly similar conduct on the part of Mr. Masterman, and approved by every one having a personal knowledge of the character of Lopez. I was fully convinced that such a step on my part would have caused my immediate execution.

Q. How far were these officers away from their vessels?—A. Four miles in a line from the river.

Q. Had they any officers with them?—A. None whatever; they were alone.

Q. When you got on board the Wasp you learned that General McMahon, the American minister, was there?—A. I had previously learned that a minister was on board. I did not learn his name until the day following our embarkation on board the Wasp.

Q. Why did you not, as soon as you learned the American minister was on board, communicate with him and tell him that your testimony had been extorted from you?—A. That is precisely the gravest charge I have to make against these proceedings on the part of American officers. I *did* demand to see the American minister the following morning after my arrival on the Wasp. I earnestly requested to see General McMahon for the purpose of communicating these facts to him.

Q. Did you inform the officer of the deck of the nature of the information you wished to communicate?—A. I told him this far, that I was possessed of very important information which it was very necessary that General McMahon should know before going to his destination. I wished to communicate, as I have already stated, the fact of a general imprisonment of all foreigners, and that other American citizens were in the clutches of Lopez. I supposed that Admiral Davis and all the other officers of the squadron must know perfectly well from Mr. Washburn the circumstances of my imprisonment, but it seems they placed no confidence in Mr. Washburn's statements. When I learned that an American minister to Paraguay was on board, I, as a member of the American legation, considered it my *duty* to communicate with him in *any case*, and I was very much surprised that he had not called for me of his own accord before this. But on the 11th of December, at the earnest request of Mr. Masterman, as well as on the promptings of my own opinions, I went to the officer of the deck, whose name I do not now remember, but could easily ascertain, and stated to him that I was possessed of very important information which I wished to communicate to General McMahon before he landed in Paraguay, and that among other things I wished to communicate to him the circumstances of my imprisonment, and that American citizens were still in the clutches of Lopez. This officer received my communication very coolly and remarked, "We have been informed about all these things beforehand." I replied that General McMahon could not possibly have the information I wished to give him; that I had information which no one else could possibly possess, and that I wished to give it. The officer replied that he would take my message to General McMahon, which he did, and returned with the answer, "General McMahon says that if he should wish to see you he will call for you." The day after that he went on shore without my ever having set eyes upon him.

Q. When did you make your first demand to communicate with Admiral Davis?—A. I never made any demand to communicate with Admiral Davis at all. I considered myself aggrieved by the treatment I received and made up my mind immediately that it was a case in which my own dignity would best be consulted by declining to make any demand for an interview with Admiral Davis.

Q. Was Admiral Davis aware of your desire to communicate with Gen. McMahon?—

A. I have no doubt he was, although I cannot certify to the fact.

Q. Did Admiral Davis remain on the Wasp until you got down to Buenos Ayres?—A. He remained on the same vessel with me during the entire time. I was on board the United States squadron, that is to say, one week on board the Wasp and five weeks on board the Guerriere, the admiral's flag-ship; he was on board the same steamer all the time.

Q. You will now proceed to describe the treatment you received on board the Wasp.—A. I mentioned the other day that immediately after arriving on board the Wasp Mr. Masterman and myself were put under guard. After the steamer got under way for Montevideo, the guard was taken off. When we arrived at Montevideo there was at first no guard put over us and I supposed at that time the guard was merely a precaution against our communicating with any unauthorized party on shore in Paraguay. I was

told when the guard was removed, by the officer of the deck, that I was at liberty to go about without a guard, but that my movements would be watched and that I was not to communicate with any person outside the vessel. I gave my parole that I would not do so. On arriving in Montevideo, December 18, I was transferred with Mr. Masterman to the flag-ship *Guerriere*. We were put into the warrant officer's mess and for two days there was no surveillance upon us—no officer placed over us. The day after my arrival on board the *Guerriere* I wrote a letter to my parents to be sent by a vessel about to sail, and not being under arrest at the time, I stated that fact, implying that I *had been* under arrest on the *Wasp*, though I did not expressly so state. The object of that letter was to quiet the apprehensions of my parents and to speak as lightly as possible of the circumstances with which I was surrounded. I was delighted to get from on board the *Wasp*, where I was kept on the most miserable fare, and to be on board a vessel where, for the first time for several years, I could have something like a decent diet. I was overjoyed at the time and wrote in a somewhat jubilant strain. My letter has been published and can be referred to by the committee if they desire.

On the day succeeding, two gentlemen came on board the vessel to see me; one was Dr. Peter Bourse, an American dentist living in Montevideo, a friend of mine, the other was Don Carlos Saguier, also an acquaintance of mine, and a prominent Paraguayan gentleman residing in Buenos Ayres, hostile in his sentiments, however, to President Lopez and wishing for his downfall. The gentlemen came on board, as I afterwards learned, and had an interview with some of the officers, but without seeing the admiral; requesting to see me, they were refused permission. They then requested to see the admiral. That was contemptuously refused, and they immediately left the vessel and a non-commissioned officer was immediately placed in charge of Mr. Masterman and myself, with orders to keep us together and not to allow us to hold any communication with any person from outside the vessel, nor to allow us to write any letters or receive any letters except by permission. That non-commissioned officer was frequently relieved of course by others, but the same order was continued in force for about three weeks. I am not certain of the exact length of time. Mr. Masterman losing patience at the insults to which we were subjected, made the effort to ingratiate himself with the admiral by a personal interview which he solicited, referring to the fact that he had been a lieutenant in the English service, and succeeded so far as to have the guard removed in respect to himself, he remaining on his parole, and from that time the officer placed over us had no further custody of Mr. Masterman. I believed then, and believe now, that by taking the same steps, Admiral Davis would probably have taken the same course in regard to myself, but I did not choose to do it. I felt greatly aggrieved at the conduct of the admiral towards me, and declined to have any communication with him except at his request or order.

Q. Why did you feel aggrieved at the conduct of Admiral Davis?—A. For having been received on board the United States squadron as a criminal and for having been assigned by Lieutenant Commander Kirkland, when I came on board, to the deck of the *Wasp*. Mr. Masterman said to him that he hoped he did not believe all he heard the other day when he saw us before the court arraigned as criminals, that he hoped he had suspended his judgment at least. His reply was, "I do not know about that. I cannot judge. I receive you here as criminals, and you will have to be considered as such until you are proved to be otherwise." Mr. Masterman, in his testimony, has used the word *criminal*, and to the best of my recollection that is correct. I am not absolutely certain as to the use of that word. If *criminal* was not used the word used was *felon*. I did not say a word in that conversation, but looked on with amazement to see members of the American legation treated in that way.

Q. Was he aware of your connection with the legation?—A. Yes, sir; he was perfectly aware of it. Mr. Washburn had told him fully. Mr. Washburn had then left for the United States. After the arrival of the American squadron at Montevideo most false and calumnious articles concerning Mr. Masterman and myself, proceeding from officers of the United States squadron, were published in the papers. I cannot tell what officers were engaged in these publications, but they must have proceeded from persons who came down on that squadron, because statements were made which could not have proceeded from anybody else. To these calumnious communications we were not allowed to reply, but were expressly told that all our communications would be scrutinized by the authorities, that is, by the admiral and the captain of the vessel. I was told this by Captain Woolsey, in command of the flag-ship *Guerriere*. I was told that the admiral, in person, inspected all the letters which I received and which I endeavored to send.

By MR. WILLARD:

Q. Why did the fact that they were to inspect the letters you sent prevent you from writing and replying to these publications?—A. One letter which I received was handed to me from the admiral torn open. This was from a Paraguayan officer who had been a prisoner of war, and who having seen published a part of my extorted confessions, wrote to me to know whether they were genuine, and asked me in reply to state the exact facts of the case. I sent that letter to the admiral with a reply stating the exact facts

of the ease. The letter was sent to its address and was probably published. I have a copy of it which I will submit to the committee. Another letter which I wrote just before leaving Montevideo in time to be forwarded before the vessel left, was returned to me after we had been out at sea three days, with the remark that the admiral had not seen fit to send it.

Q. What was in the letter?—A. It was a letter to the father of Captain Antonio Falcon, one of the victims of Lopez who was a fellow-prisoner of mine. I wrote this letter to the effect that, having seen his son in prison, I had just learned that he had lost his life. The reply, when this letter was returned to me, was that the admiral could not send it except through Captain Kirkland, and that he did not choose to send it through him. This letter was written at the suggestion of the fleet-surgeon, Dr. Duval, to whom I had mentioned the circumstances, and who told me I ought to write to the parents of the young man. He was a young man in whom I had taken a deep interest. This letter was returned through Surgeon Duval, who indorsed upon the back of the letter these facts over his own signature. I have the original letter with the indorsement, and I will put it in evidence. It was written several hours before the sailing of the vessel; and precisely what was meant by the reply that the admiral could not send it except through Captain Kirkland I do not understand.

Q. Were there any letters making disclaimers in respect to your testimony or making statements of the facts in respect to your imprisonment returned to you?—A. The letter to which I have just referred entered into some details and more or less explicitly stated the fact that we were all of us innocent victims; using pretty severe language in respect to the conduct of Lopez and denouncing him as an atrocious monster. I may also state that the Spanish commodore commanding a squadron at Montevideo, wrote me a letter which was suppressed; this I know because a few days later when the admiral was absent at Buenos Ayres, a Spanish midshipman came on board to ask for an answer to it. I was sent for and spoke with him.

Q. Were the facts to which you have testified as having communicated to Surgeon Duval brought to the knowledge of the other officers of the squadron?—A. Not by me; I have no doubt they were by Surgeon Duval himself, who took an active interest in the matter. I never made any overtures to have any intercourse with any of the superior officers of the vessel.

Q. Was the course of treatment towards you changed after your interview with Surgeon Duval?—A. Not in the slightest degree; on the contrary Surgeon Duval was made to expiate his friendship for us; he was denied permission to go on shore for three weeks, (to the best of my recollection,) in consequence of the interest he had taken in us. He was the fleet-surgeon and his post was on board the *Guerriere*.

By Mr. SWANN:

Q. How did you know that fact?—A. From Surgeon Duval himself; he expressly stated that he was a sufferer in our behalf, that the admiral had refused to allow him to go on shore for three weeks, to the best of my recollection. This was while we were lying off Montevideo, as we did for nearly a month.

By Mr. ORTH:

Q. State what was done to render you comfortable, as far as your physical wants were concerned, after this.—A. Nothing whatever so far as Admiral Davis was concerned. We went on board the *Wasp* in the most pitiable condition, in the same suits of clothes which we had worn for three months, eaten by vermin, with our pants cut in two by the irons we had worn; for a day or two no movement was made to improve our wardrobe; at last I received a pair of pants from an officer, which was followed from time to time by other articles of clothing from others until I succeeded in effecting a complete change of wardrobe.

Q. Who were the officers who furnished you these articles?—A. I cannot remember all of them; one gentleman, I think, was Surgeon Gale. Another addition to my wardrobe was sent to me anonymously, from one of the officers of the deck who did not send his name, and I never knew who he was; probably the cause of not sending his name was that he did not wish to be known as favoring us.

Q. Did you receive any attentions, or clothing, or suitable food from any of the principal officers on board the vessel?—A. No, sir; I did not.

Q. Did you receive any visits from any of them?—A. I never received a visit from any of them; I had on two or three occasions conversations with Captain Woolsey, of the *Guerriere*, after I was transferred to the flag-ship, upon his sending for me. I never saw with Captain Kirkland after the first occasion when he received us on board the *Wasp*; I never spoke to Fleet Captain Ramsay at all. Captain Woolsey called for me on three or four occasions, in the first instance a day or two after going on board. He asked me if I wished to go to the United States as soon as possible or whether I preferred to remain on board the squadron until I should hear from the United States. He said in case I wished to remain he would give me a ration and give me employment so that I could earn something; he asked me, as I remember, if I understood drawing

I replied that I had not been informed as to my status and that I could not answer the question immediately. I asked if I would be allowed to communicate with the shore, or to go on shore in that case. He said I would not. This was a day or two after being on board and before being placed the second time under arrest. I then requested a short time to think of it. The alternative was this: I had a good many friends in Montevideo and Buenos Ayres; I had some pecuniary interest in both places; it was of the greatest importance to set myself right in both places as soon as possible. If I could have gone on shore I would have preferred to have done so and to have remained there for some time, but not being allowed that I determined to go to the United States as soon as possible; when, to my surprise, I was a second time put under arrest. This of course obviated all necessity for an answer on my part. On another occasion, after being put under arrest, he sent for me to say something in respect to the transmission of the letters I had written. I do not remember that interview particularly; it involved nothing of importance. I wish to say that Captain Woolsey treated me with as much kindness as appeared to be consistent with obeying the orders of Admiral Davis. He held as little intercourse with us as possible, but he did not treat me with any disrespect. I considered his offer that I would be allowed to remain there and that he would give me employment, as an indication of kindness on his part.

Q. What difference was there, if any, between the treatment of yourself and of Mr. Masterman?—A. Only this, that Mr. Masterman was released from surveillance, having given his parole not to communicate with persons on shore.

Q. What time did you arrive at Rio?—A. We arrived at Rio the 21st or 22d of January. I think the 21st.

Q. And this guard placed over you at Montevideo was withdrawn?—A. It was withdrawn a few hours after we had sailed, but was put on again immediately after our arrival in the harbor of Rio Janeiro; the passage having occupied five or six days.

Q. Did you at any time communicate with Admiral Davis?—A. I did; on the 25th of January, I think; at all events it was four or five days after our arrival at Rio. It had been published in the papers that Bliss and Masterman were on board the American squadron as prisoners, not allowed to communicate with any one on the shore, and were on their way to the United States to be tried by their government. The same statement had appeared in the papers of Buenos Ayres while we were there. Two or three days after our arrival at Rio, my friend George M. Davis, a merchant at Rio and formerly attache of the American legation in Brazil at the same time I was connected with that legation as private secretary to General Webb, seeing this statement in the newspapers on my arrival, of my being a prisoner on board not allowed to communicate with any one on shore, determined to make an effort to see me. He went on board, saw Admiral Davis, and asked if he could see his friend Bliss. I give the conversation as stated to me by Mr. Davis. The Admiral replied, "What! is Bliss your friend?" "Yes," he said. "What do you know about him?" "I know *all* about him." "Tell me something about him." Mr. Davis thereupon narrated the principal facts connected with my coming to South America, and his own intercourse with me. He vouched for my being a person of good character and of literary attainments, mentioned my having been formerly well acquainted with the Emperor of Brazil, that I had been on such terms with him that on visiting him he would walk up and down the corridor of his palace with me in conversation about individuals and about scientific matters. This information opened the eyes of the admiral somewhat. The consequence was that within half an hour afterwards, and while Mr. Davis was still in conversation with me, word came from the admiral that I was relieved from arrest. This was two or three days previous to my embarking for the United States.

Q. Did the admiral seek a personal interview with you after this?—A. He did; on the 25th of January, the day previous to my embarking for the United States. Being then at liberty to communicate with whoever I chose, I communicated with the steward of the admiral, a person who had formerly done some errands for me on shore, and made some purchases for me. I had received at Buenos Ayres some effects belonging to me which had remained on deposit at Buenos Ayres all the time I had been in Paraguay. They came off in a bundle and a box in a very dilapidated state. I desired to pack them up in a more convenient form before going on board the merchant steamer. I therefore asked the steward to buy me a trunk on shore, giving him the money for it and mentioning several articles which I desired him to get. The admiral sent for me and met me in the gangway rather abruptly with the question put, "Did you ask my steward to buy you a trunk and other things?" I said, "Yes, sir." "Are there any other things you want to have bought?" I said, "Yes; there are several other things I would like to procure, but that as the time was so limited before sailing I should have to forego getting them." "What is it you want to procure?" Said I, "Among other things I wish to procure some publications. I was formerly interested in the Brazilian Geographical and Historical Institute, I wish to get a set of the publications of that society if possible and several other publications relating to the war and so forth, and to buy a number of books of a miscellaneous character, in connection with my studies in regard to South America." He then made one or two observa-

tions as to the places where these publications could probably be obtained, mentioned to me a bookseller of whom I could very likely get them, and remarked, "Would you not like to go on shore yourself?" I said, "I should like to go very much." He said, "Come and see me to-morrow morning after breakfast and I will see about it." I then left; having no further conversation than I have related until the next morning after breakfast. About nine o'clock I went up to the Admiral's reception room. He came in there. Neither on this occasion nor on the previous one did he shake hands or pass any salutation—simply proceeding to business. He now said, "Well, you have come to see about going on shore, have you?" I said, "Yes, sir." He said, "Speak to the officer on deck. There will be a boat going ashore at (such) an hour." Mentioning, I think, half-past nine or thereabouts. "The steam launch will leave the vessel to take you on board the merchant steamer shortly after one o'clock. Don't fail to be here then." I then went on shore, arriving about ten o'clock and got back promptly at one. I had less than three hours on shore; during which time I had only opportunity to see two or three out of a large number of acquaintances. I saw Mr. Milford, a merchant there, who is an old friend. I saw the chargé d'affaires, Mr. Lidgerwood, and also Dr. Rainey, an American, who is at the head of a ferry-boat enterprise. To all these gentlemen I made free communication as to what had passed on board the squadron in regard to myself, as to my sufferings in Paraguay, and my innocence of the charges against me, also respecting American citizens who still remained in Paraguay in prison. They expressed themselves astounded as to the conduct of the admiral and completely unable to discover why he should have acted as he did towards Mr. Masterman and myself. A little after one o'clock I was called for very suddenly and came on board the steam-launch which was to take me to the mail steamer. I was hurried off without an opportunity of taking leave of my friends. The officer on deck saying to me, "I will make your adieus for you. You need not trouble yourself about that." I was in the forward part of the vessel sitting talking with a friend when word came to me that the launch was ready and that I must go right off now. Surprised in that way I had no time to bid good-bye to any friends on board. One other thing I should have stated. A day or two before embarking for Rio I received a note from Admiral Davis, which was published in these documents, requesting me to take passage on board the United States mail steamer Mississippi to New York, and to communicate my arrival there to the State Department. I replied by a letter, which is also published in these documents, stating that I accepted his proposition and that I would report in person to the State Department, as in duty bound, being a member of the late American legation at Paraguay. No promise was exacted of me as to my conduct while on board the mail steamer Mississippi, and I made no promise. I went on shore at every point where the steamer touched, at Bahia, at Pernambuco, at Pará, and at St. Thomas, and communicated with persons on shore at all these places.

By the CHAIRMAN:

Q. Where did you part with the naval authorities, Admiral Davis, and others?—A. I never parted at all with them. I left the ship in the bay at Rio under the circumstances I have mentioned. The consuls whom I saw at the ports at which the merchant steamer stopped were all of them eager to get information from me, and expressed their astonishment at the conduct of Admiral Davis. They urged me to press upon our government a full investigation of all the circumstances, which I promised I would do. The consul at Pará, Mr. Bond, was an old acquaintance, who came out in the same steamer with Mr. Washburn and myself eight years ago. At his request I wrote a letter, giving the principal points of my history. He said it was most important that I should define my position more authentically than I had been led to do on board the squadron; that the officers of the squadron were against me; that I might die on board the steamer before reaching the United States; and that I ought to put on record whatever statement I had to make. At his request, I wrote him a letter, which I authorized him to publish, as he said was his intention, in which I stated to him that all the confessions of mine which had been given to the world were extorted from me under the circumstances which I have previously stated to this committee, and were all untrue. I left that paper in his hands for publication in the Pará papers. I also, while on board the *Guerriere*—a fact which I omitted to state before in its proper place—had a long conversation with Fleet Surgeon Duval, to whom I communicated full particulars of all these circumstances, and he embodied them in a great measure in letters to other parties in Washington, in view of the fact that in case I should die on the passage, as perhaps was not improbable at that time, my statements might be known.

Q. Have you had any communication with these naval officers since that time?—A. None whatever.

Q. Nor with the Navy Department?—A. I have been at the Navy Department. I was there a day or two before the change of administration, and called upon Secretary Welles, whom I had known in this city eight years ago as a friend. I was at that time misinformed as to the circumstances of the case. If I had been as fully informed as I am now, I should not have called upon him, but I had merely seen a letter in which Secretary Welles had requested the admiral to proceed with the fleet under his command

to Paraguay, as suggested in the letter of the Secretary of State. I supposed the conduct of Admiral Davis could not at all be attributed to Secretary Welles, but that the conduct of the Secretary had been such as should be perfectly satisfactory to me. I have since seen season to change my opinion in regard to that. I called upon Secretary Welles and expressed my thanks to him for having given these orders. I also called upon Commodore Thornton Jenkins, the chief of the Navigation Bureau, whose name had been mentioned by Surgeon Duval as a friend. There was nothing of importance in any interview I had at the Navy Department. And I have had no other communication with any other person in that department.

Q. Did Secretary Welles make any remark to you?—A. Nothing, except of the briefest character. I simply told him that I thanked him for giving these orders; and upon his part he congratulated me for having escaped from imprisonment.

By Mr. ORTH:

Q. To what circumstances do you allude, which if you had known, would have prevented you from calling upon him?—A. In the first place, I have seen documents signed by Secretary Welles, in which it is my opinion he did not show a sufficient interest in the vindication of the honor of the flag, nor a sufficient sense of the indignity suffered by the American legation in Paraguay. He seems to have shown a readiness to accept the reports of Admiral Davis without any question, when they ought to have been more carefully scrutinized.

By the CHAIRMAN:

Q. What communications were these?—A. I refer to letters of Secretary Welles to Admiral Davis, which are published in these documents, and to the impression left upon my mind by the reading of these letters. I have no information outside of that.

Q. Then the impressions you received of that character came from documents which are before the committee?—A. Yes, sir. I have no private information from any source on that subject. I judge only from the published documents.

Q. What was your first communication with the government in Washington, and the first steps you took to make known your complaints?—A. I arrived here in Washington on the 25th of February, and the same day wrote a letter to Secretary Seward, inclosing a copy of Admiral Davis's letter to me, stating that "in conformity with the request of Admiral Davis, and as a member of the late American legation in Paraguay, I beg to report my presence in Washington, at the Ebbitt House," and that I waited his further orders. Two or three days later I received a reply from Secretary Seward, in which he used this expression: "The executive government of the United States does not claim to exercise any control over you in consequence of the proceedings of Rear-Admiral Davis, referred to. I shall, however, be happy to receive from you, or from Mr. Masterman, or both of you, any information, either verbally or by writing, in relation to the interesting events with which your names had been connected, and would therefore suggest to-morrow, March 1, at 12 o'clock, for you to call upon me." Mr. Masterman and myself called upon him that day; found him busy, and repeated the call separately. Two days subsequently to that I saw Mr. Seward myself alone, and had a short interview with him of a few moments in length, which was confined to congratulation on his part on my escape from Paraguay. In reference to information about what I had experienced he remarked that he was soon going out of office, and it would be well to submit a statement to the legal officer of the department. Mr. Seward asking me if I had seen him, I said I had not. He then called a messenger, and I was shown to the office of Mr. E. Pesbire Smith, with whom I had an interview.

Q. Has the letter of Mr. Seward to you been communicated to the committee?—A. It has not. But if desired, I will endeavor to communicate it to-morrow. Upon that I made my appeal to Congress. I did not go into the details of my experience in Paraguay at the suggestion of Mr. Seward.

Q. Was any suggestion made as to any reparation to which you might be entitled?—A. I was referred to Mr. Smith, whose name appears on the official register as examiner of claims, and I inferred that the supposition of the Secretary was that I wished to put in a pecuniary claim. Mr. Smith seemed evidently to take the same view of the matter, as he took the case up in an exceedingly legal and technical manner, cross-questioning me in my interview with him as if he was an attorney on the opposite side and was retained in order not to admit any claim unless he considered it perfectly on the square.

By Mr. SWANN:

Q. Did you make any claim?—A. I made no pecuniary claim, neither then nor at any subsequent time. In my petition to Congress I have expressly avoided that. I have left the whole matter to the wisdom of Congress for such action as in their view the honor of the government and justice to us as petitioners may demand, and shall be satisfied with such conclusion as Congress may arrive at.

WASHINGTON, D. C., *April 27, 1869.*

PORTER C. BLISS appeared and continued his statement as follows:

In addition to the letters to which I yesterday referred, I have here two letters written by me to my parents and published by them in a New York paper. They were written in view of my expected imprisonment and forwarded by Mr. Washburn to my parents and by them sent to this paper. The following are the letters, prefaced by editorial comment:

[From the Fredonia Censor.]

"THE PARAGUAY CAPTIVES—LETTERS FROM PORTER C. BLISS.

"We received last week a letter from a brother of our friend Bliss inclosing copies of his last two letters to his parents. They reveal a sad state of affairs in that distracted country. It will be seen that Mr. Washburn has done all in his power to save Mr. Bliss and his companion from the terrible doom that was apprehended. He left them to their sad fate at the latest possible moment, and then only to hasten communication with his government, in order to afford relief if possible. The four vessels of war dispatched to their relief are now on their errand of duty. It will be the prayer of every friend of humanity, and particularly of the unfortunate sufferers, that the errand may not fail of accomplishment.

"The last time we met our friend was in Washington, he was waiting at the White House for an introduction to President Lincoln, from whom he expected an appointment to an Indian agency. Senator Sumner was there to introduce him and secure the appointment. His father being a missionary to the Indians, and he acquainted with their dialects, he was being sent out to rescue the traditions of the former native inhabitants of New England, who had emigrated to reservations for them west of the Missouri. He had letters of recommendation from Everett, Bancroft, Longfellow, and many other distinguished literary men, to whom he had rendered efficient aid in his researches in New England and the Canadas, and also from every United States senator and many other public men. His modest demeanor, amiable disposition, high classical attainments for one of his years, and insatiable thirst for knowledge, had marked him as a young man of unusual promise. He was evidently so regarded by the *savans* who sought for him the opportunity to pursue his researches among the red men of the forest. The difficulties in which the nation became involved changed his course to a South American field. It is very sad that a young man of his promise should be cut off in the vigor of his youth, and in the midst of his aspirations for usefulness. May Heaven guard him from such an untimely fate.

"We give below the letter of the brother, which will explain the circumstances under which the letters from Porter were written:

"ONOVILLE, *Cattaraugus County, November 23, 1868.*

"EDS. CENSOR: Inclosed I send you two copies of letters written to us by my brother, Porter C. Bliss, arrested by the Paraguay government, and as we fear, executed ere this. Mr. Washburn, in his letter, expresses no hope for him. We have received three newspapers from Buenos Ayres, containing correspondence between Washburn and Lopez, and three letters from Porter to different parties; one of which was banded to Washburn after he had embarked for home, which was written after he had been arrested, and in all probability subjected to torture. Nothing in that letter has any weight with us, if, indeed, it was genuine. The allusion to his father, "Henry Bliss, of New York," was fictitious, as we have no relatives of that name. In his letter to us, (which he expected would be the last he would ever write,) he declares solemnly his innocence and entire ignorance of any such plot as charged against him. He, I think, has sent you one or two letters from South America at different times. As he prepared for college at your academy and has many friends there, he requested me to send a portion of his letter to you for publication in case we hear of his death. We still have some hope, but I thought it might be well to send it. His fate has been a sad one. With an excellent education—being master of eight or ten different languages, and having gained a vast amount of useful information in his travels, and with an unconquerable thirst for knowledge, and ambitious to make his mark in the world, a life of great promise of usefulness will have been cut off, a sacrifice to the ferocity of a cowardly despot, who is described as being a second Nero or Dionysius, who has executed two of his own brothers, and whose mother and sister, according to Mr. Washburn, would be glad to hear of his death. But my brother's death will not be in vain, I hope; and I feel certain that our government (in whose service I spent three years) will demand and enforce reparation so far as it can be done.

"Yours, respectfully,

"ASHER BLISS, JR."

"The following are the letters received from Porter:

"LEGATION OF THE UNITED STATES,
"Asuncion, September 5, 1868.

"DEAR PARENTS AND BROTHERS:—I received your letter in May last, and answered it in June, not doubting that a few months more would enable me to return home from my long wanderings, and again behold the faces of my kindred. Now that hope is indefinitely postponed—perhaps forever. You will probably have learned by the press the strange events which have passed here; events deeply compromising the honor of our government, outraged in the person of its ministers and the members of its legation, of whom I am one. In brief, the greater part of the foreign residents in Paraguay are charged with having formed a conspiracy against the government and even against the life of President Lopez, and were arrested on or about July 13, since which time their trial has been going on; but as the proceedings are secret and no communication with any of them allowed, the result is not yet known. At the same time almost all the members of the government were imprisoned upon a like charge, and many, perhaps all, of them paid the penalty with their lives during the first week of August. Great efforts have been made by the government to implicate Mr. Washburn in the alleged plot by means of false testimony, said to have been deposed by the principal personages accused, and I myself, though a member of the American legation, in which I am translator, have been, along with the physician to the legation, an English gentleman named Masterman, charged with what the Paraguayan tribunal calls *high treason*. We have been six or seven times imperatively demanded for trial by this government, and, as Mr. Washburn has constantly asserted the undoubted rights and immunities of legations in our favor, they have threatened more than a month since to take us by force.

"Eight weeks of alternate hope and fear have passed, which have been filled up by a voluminous correspondence between Mr. Washburn and the government, which has been published in the official newspapers. Three days since, Mr. Washburn received notice of the arrival in the river of the United States gunboat Wasp, which has come to take away the American legation, and this morning he has received his passports. But the government of Paraguay has refused passports to Mr. Masterman and myself, denying that we were members of the legation. We have had no news or dispatches from the States for 12 months, and are absolutely ignorant of all that has passed, except by one or two private letters. Mr. Washburn will embark this afternoon upon a Paraguay steamer to proceed down the river to meet the Wasp, and immediately after Mr. Masterman and myself will be seized, and shall sleep to-night in prison.

"It is unnecessary for me to say that I am entirely innocent, and that I know absolutely nothing of such a plot. False witness has undoubtedly been produced against me, and my innocence is no guarantee against a traitor's doom. I will hope for the best, but I am prepared for the worst. I thank God that I have had sufficient strength to bear up under these weeks of agony, and I am assured that I shall do so until the last; and should it come to that extremity, I am, in the words of Bryant—

"Sustained and soothed
By an unflinching trust, approach my grave,
Like one who wraps the drapery of his couch
About him, and lies down to pleasant dreams."

"I have had great projects for the benefit of humanity and the cause of the diffusion of knowledge among men, and I am confident that if my life is now spared it will not be a useless one to the world. But God knows best what purposes he has designed that I should subserve in my life or my death. His will be done!

"PORTER CORNELIUS BLISS."

"ASUNCION, September 10, 1868.

"DEAR PARENTS:—Mr. Washburn's departure having been unexpectedly postponed until to-day, I add a postscript to my letter of the 5th. Every conceivable obstacle has been put in Mr. Washburn's way by the government. He has been detained on the plea of returning deposits of property made with him by many foreigners, and also by difficulties concerning the carrying away of money for foreigners. But the Italian consul having received everything in deposit, there will probably be no further delay. I think I mentioned before that this legation has been surrounded night and day for two months by about 20 soldiers in order to seize upon Masterman and myself should we go outside, and who will take us in the street when we start out to accompany Mr. Washburn and family to embark. We each of us carry with us a satchel with a few changes of linen, some bread, some money for our expenses in prison, and a few other articles of first necessity. No cutting instruments are allowed, consequently we shall have to eat with spoons. No books will probably be permitted, however we shall each take a pocket Bible at a venture. Our confinement will be solitary, and our treatment and fare none

of the best. I don't say these things to dispirit you, but because they are true, and will be known sooner or later, and to show you that I am resigned to the worst. Could I get letters from you, or some news from the outside world before I am taken, I should feel comparatively happy. At all events I do not propose to waste my time in useless lamentation, but to have "a heart for any fate." All will be for the best whatever may happen, and I have great confidence in the action of our government as soon as the case becomes known. In case of being then alive I shall hope for relief from some quarter about January or February. Very likely the war may be ended by that time, although the appearances are that President Lopez has made up his mind to perish with the ruins of the nation, and to fight till the last man around him dies. To-day, the 10th of September, has been a day of ill omen to me before. Three years ago, and again last year, on this date, I had attacks of congestion of the brain, resulting from sun-stroke, and which nearly proved fatal in both instances. But, contrary to all expectations in both instances, I escaped with life, which is also a good omen; not that I am superstitious or a fatalist; I only note the coincidences. Now that my uncertainties are over I am calm and almost happy, and, if need be, can cheerfully repeat the words of the Polish martyr-patriot Pestel:

" 'Yes! it comes at last,
And from a troubled dream awaking,
Death will soon be past,
And brighter worlds around me breaking.' "

" 'My dear parents and brothers, farewell! God bless you, and I will hope for the best; we may yet see each other in this world.

" 'PORTER C. BLISS.' "

[From a later number of the Fredonia Censor.]

PORTER C. BLISS.

We find the following communication in the Albany Evening Journal, written by Mr. D. J. Pratt, who taught our academy while Mr. Bliss was a student here. It contains some particulars of Bliss's history, which we did not mention in our local notice:

"Porter C. Bliss is a son of Rev. Asher Bliss, who was for twenty years a missionary of the American board at the lower Cattaraugus station in western New York. In 1852 Mr. Bliss was released at his own request from this service, and removed to Corydon, Pennsylvania, where he still resides. In 1854, Porter, then about fifteen years of age, became a student at the Fredonia academy, where he remained, with but little interruption, about four years. His pecuniary resources, as may be supposed, were very scanty, and nothing but a quenchless thirst for knowledge and an aptness in its acquisition which insured success at every step of his progress, could have reconciled him to a mode of life in other respects so self-denying. He was especially remarkable for literary and linguistic tastes, and fondness for historical and antiquarian researches. He was also, both by nature and by parental training, modest and diffident, yet thoroughly honest and upright in his character. His mental and moral endowments appeared less conspicuous to strangers on account of a somewhat ungainly physique, and in most respects he would be more properly classed with the Abraham Lincolns than with the Lord Chesterfields of society.

"In 1858 Mr. Bliss entered Hamilton College, and the subsequent year went to Yale. His scanty resources led him to accept employment in the service of the Massachusetts Historical Society, for the purpose of making researches relative to the relics of the Indian tribes of New England. While thus employed he discovered and made transcripts of voluminous manuscripts in Nova Scotia, with which he astonished the savans of Harvard University and Boston, a score of whom, including the president and five ex-presidents of Harvard, gave him the most flattering commendations, and recommended him to President Lincoln as a most suitable person to be appointed to an Indian agency at the west. The matter of an appointment being delayed, he accepted the invitation of General James Watson Webb, the newly appointed minister to Brazil, to accompany him in the capacity of private secretary—the Messrs. Appleton, of New York, at the same time securing the benefit of whatever leisure he might command in the enterprise of translating and introducing sundry of their publications for the South American markets. Meanwhile Mr. Bliss, having abandoned the purpose of graduating, was made the recipient of the honorary degree of master of arts by Hamilton College.

"Mr. Bliss accompanied General Webb on his outward tour, visiting England and France on the route. For several years he has not been in frequent communication with his former friends and acquaintances, and but for the events which have recently transpired in Paraguay, might have remained some time longer in quiet obscurity; though, if his life and health were spared, all his antecedents would give ample assurance of his being no idle or inefficient worker in the field assigned him. His recent letters, several of which appeared in the Tribune of the 19th instant, indicate that he

has been very busily at work in his favorite line of antiquarian and historic research in addition to his official and business engagements, of which a voluminous history of Paraguay is one of the fruits. How he became connected with the Washburn ministry we know not, nor what apparent ground there may have been for any accusation against him by the Lopez government; but no one who ever knew him well could 'entertain an idea,' as he himself expresses it, of his ever being accused of high treason by any government under the sun.

"In view of these personal characteristics of Mr. Bliss, as well as for the honor of the nation, it is to be hoped that the authorities at Washington will adopt—if they have not already done this—the most rigorous measures to secure the release of Mr. Bliss and his colleague, and the most ample reparation possible for this individual and national insult.

"Yours, &c.,

"D. J. PRATT."

I also present the following letters which have not heretofore been published:

"DEPARTMENT OF STATE,
"Washington, February 8, 1869.

"DEAR SIR: I have received the letter of the 28th ultimo, addressed to you by Mr Asher Bliss, on the subject of his brother, Porter C. Bliss, on which you have indorsed a request for information. I am not aware that the latter gentleman has reached Washington or has returned to the United States. We have received voluminous documents from the Paraguayan government, upon which it bases its charge against him of conspiracy. These documents have just been translated, and will at once be submitted to Congress. As yet, it has been impracticable to examine them sufficiently to allow an opinion to be formed how far the charge may be sustained. It is, however, supposed that there can be no cause to apprehend a further restraint upon the liberty of Mr. Bliss, at least after he shall have returned to the United States.

"I have the honor to be, dear sir, your very obedient servant,

"WILLIAM H. SEWARD.

"HON. H. VAN AERNAM,
"House of Representatives."

"DEPARTMENT OF STATE,
"Washington, December 3, 1868.

"SIR: Your letter of the 21st ultimo has been received, and in reply I have to state that Mr. Washburn, late minister to Paraguay, has reported to this department, in a communication dated September 26, that two members of his legation, Messrs. Bliss and Masterman, were seized by order of President Lopez at the moment of their starting to accompany him to the United States steamer at the time of his departure.

"Mr. McMahon, recently commissioned as minister to Paraguay, from Montevideo, on the 26th of October, informs the department that on the next day he would start for Villetta, headquarters of President Lopez, with Admiral Davis and his squadron, for the purpose of exacting such reparation from President Lopez as the honor and dignity of the government of the United States may require.

"In conclusion, he says that from information he is led to indulge the hope that the gentlemen seized, as stated above, had suffered no personal discomforts other than the detention, and that they will soon be restored to the protection of the national flag.

"I am, sir, your obedient servant,

"WILLIAM H. SEWARD.

"REV. ASHER BLISS,
"Oroville, Cataraugus County, N. Y."

"EBBITT HOUSE,
"Washington, February 25, 1869.

"SIR: In compliance with the written request of Admiral C. H. Davis, commanding South Atlantic squadron, I beg to report that I have to-day arrived in Washington, from Rio Janeiro, by the United States mail steamship Mississippi, and await your excellency's orders. My companion in imprisonment in Paraguay, Mr. G. F. Masterman, is also here, at the same address, with a similar object. I beg to inclose a copy of the communication of Admiral Davis, to which I have referred;

"And am, with great respect, your excellency's obedient servant,

"PORTER C. BLISS.

"HON. WM. H. SEWARD,
"Secretary of State."

By the CHAIRMAN:

Q. Have you stated to the committee why it was that Mr. Washburn left you in this condition, and why the naval officer departed without taking more active measures to have Mr. Masterman and yourself delivered over to them?—A. Perhaps not fully. The reasons were, in the first place, because Lopez had refused to give us passports; and, secondly, because we were not permitted to embark. The steamer on which Mr. Washburn embarked was not an American steamer. The Wasp was three miles below in the river, below the Paraguayan batteries, and was not allowed to come higher up. If the United States gunboat Wasp had made any demonstration at that time for the purpose of obtaining our persons she would have been fired on by the Paraguayan batteries. Consequently I do not charge the captain of the Wasp with any dereliction of duty on that occasion.

Q. Was the separation of three miles from Asuncion any reason for his leaving you there in prison?—A. The question is, what could he have done? I do not see that he could have done anything to save me on that occasion.

Q. Did he make any protest?—A. He did not. Mr. Washburn did. Captain Kirkland saw Lopez personally after Mr. Washburn had embarked on board, but to the best of my knowledge made no protest and no demand for our release. That, I think, he ought to have done.

Q. Was there any conversation upon this point; or are there any facts in your knowledge why he left the post three miles below Asuncion, and why he did not break through the blockade, if necessary, for the purpose of procuring your release?—A. He made no demonstration of that kind whatever; and personally, the captain of the Wasp, Lieutenant Commander Kirkland, took no steps for our release on that occasion. He saw President Lopez the day following the embarkation of Mr. Washburn, according to his report to the Navy Department. But he does not appear to have made any allusion whatever to our imprisonment by Lopez. Mr. Washburn did make a strong protest, in which he declared that Lopez had put himself beyond the pale of international law by this act. Captain Kirkland, in his report to the Navy Department, makes not even any allusion to the fact that two members of the American legation had remained behind, as you will see by reference to the original document, which has been published. I also refer to Admiral Davis's letter to the Navy Department relating to the same circumstances.

Q. There appears in the published documents a letter purporting to be written by yourself to Captain Kirkland; will you explain that letter?—A. I have already, in my testimony, explained fully the circumstances of writing that letter, as well as one to my parents and one to Mr. Washburn; that I was forced to write them both, and that they made me write one of them five times over before I satisfied them. The papers which in one of those letters I am made to demand of Captain Kirkland were the history of Paraguay, which I had written while in the service of Lopez, and which I incorrectly described in the letter. Mr. Washburn understood the inaccuracy of the description and properly interpreted the letter when he saw it.

Q. Did Lopez want to suppress that document?—A. He wanted to suppress it.

Q. The letter also demands the detention of the Wasp. Were you satisfied with the Wasp's departure under the circumstances?—A. I had no communication whatever with the commander of the Wasp. I had received not a word of news outside of Paraguay, except one private letter. For a very long time I was in entire ignorance of the circumstances of the case, and could not judge whether it was the duty of Commander Kirkland to take such steps or not. The letter there published was just what I was compelled to write by the priests composing the tribunal, as also the accompanying letter, which, as I have said, I re-wrote five times before it satisfied them as a whole.

Testimony of George W. Gale.

NEW YORK, October 25, 1869.

GEORGE W. GALE sworn and examined.

By Mr. ORTH:

Question. State your name, age, residence, and occupation.—Answer. George W. Gale; age, twenty-nine years; occupation, physician and surgeon; residence, Exeter, New Hampshire.

Q. Were you at any time, and if so, between what periods, connected with the United States Navy?—A. I joined the navy in April, 1862, as acting assistant surgeon; was afterward promoted to passed assistant surgeon, and remained in the service until about two months ago.

Q. When did you join the Wasp?—A. In August, 1865, in Philadelphia, and remained attached to it until January, 1869.

Q. To what squadron was the Wasp attached?—A. To the South Atlantic squadron.
 Q. Where was she stationed, and where did she cruise during the time you were connected with her?—A. She was stationed, most of the time I was attached to her, at Montevideo. She made three or four trips up the Paraguay River.

Q. In what year?—A. In 1868.

Q. How far up the Paraguay did she go?—A. A little above Villeta; that is the furthestmost point we reached on the Paraguay.

Q. Who was in command of the Wasp at the time?—A. Commander W. A. Kirkland.

Q. What did you understand to be the object in making these trips?—A. I understood we went up there to bring down our minister, Mr. Washburn, who was confined there; also to bring down Messrs. Bliss and Masterman.

Q. Did she make any other trips up the Paraguay than for these two purposes?—A. Yes, sir; she carried up Minister McMahon. The first time we went up was to communicate with our minister, Mr. Washburn, and deliver some official dispatches, as I understood. I remember we went up there, and, with a great deal of difficulty, Captain Kirkland finally communicated with Mr. Washburn. We staid there considerable time. I do not remember whether we went up expressly for Mr. Washburn or not.

Q. Did he return with the Wasp on that trip?—A. No, sir.

Q. Did you see him?—A. Yes, sir.

Q. What time was that trip made in 1868?—A. I believe it was in September.

Q. Did you meet with any obstructions going up, from the allied fleet?—A. Yes, sir; we were stopped all along at different points by orders from Lopez.

Q. I speak of obstructions by the allied fleet.—A. I remember we had difficulty with them too. They were not willing for us to pass their fleet.

Q. You say after you passed the blockade, you were retarded in your progress by orders from Lopez?—A. Yes, sir; we had some difficulty the first time in passing the Brazilian squadron.

Q. At what time did you make your second trip up the Paraguay, and for what purpose was it undertaken?—A. I do not remember dates very well; the first trip I now think was in April, and the second trip was in September.

Q. What was the object of the second trip?—A. It was for the purpose of taking Mr. Washburn out of the country if he desired to leave.

Q. At what point did you receive Mr. Washburn?—A. We received him at Villeta.

Q. On your way down did you meet with similar obstructions in consequence of orders from Lopez?—A. Yes, sir; I think we were delayed more this time than before.

Q. Did you go ashore?—A. No, sir; the admiral and the captain were the only persons I think that went ashore.

Q. Do you recollect the date of your third visit?—A. It was in the latter part of November.

Q. What was accomplished during that trip?—A. We took up Admiral Davis and the fleet captain.

Q. Did the Wasp go up alone?—A. No, sir; there were two other vessels, the Kansas and the Pawnee. We also took up Minister McMahon. The furthest points we reached were the Angostura batteries. They would not allow us to go up any further.

Q. Did you go ashore at that time?—A. No, sir.

Q. Minister McMahon was left there?—A. Yes, sir.

Q. Who did you bring back on your return?—A. We brought back Bliss and Masterman.

Q. Had you ever seen either of those parties prior to that time?—A. No, sir.

Q. Relate now the circumstances connected with Messrs. Bliss and Masterman coming aboard the Wasp; what condition they were in physically; whether they were well or otherwise; whether you treated them professionally; and any other matter connected with their condition up to the time they were transferred to another vessel.—A. They came on board about the 10th of December, in the night. I saw them the next day, I think, and found them forward on the berth deck. I understood they were under charge of the master-at-arms. I had considerable conversation with Bliss. They were in a very ragged condition and very dirty, and both were considerably debilitated. Bliss said it was caused by the barbarous and inhuman treatment they had received from Lopez, and he gave me an account of it. He complained to me of a slight pain in his abdomen and of a slight diarrhoea. I wrote out a prescription for him and gave it to the surgeon's steward. They were both in a very ragged condition, and I so informed the officers.

Q. What officers?—A. I cannot recollect any particular one now. I mentioned it to them in personal conversation—not officially. I merely mentioned it to them with the idea of getting some clothes for them. I gave the steward instructions about what he should give them as regards diet, which consisted of rice, arrowroot, and soup. The soup on the ship was very good, generally speaking. I had a number of conversations with Bliss, and one day, while talking with him in the fore-castle, I was sent for by the executive officer of the ship, Mr. Smith, and informed by him that I was not to con-

verse with them; and he gave me to understand that they were prisoners. I told him that one of them was unwell, and that it was necessary to converse with them. I mentioned that because I knew I could not talk to prisoners.

Q. They were then treated as prisoners?—A. Yes, sir.

Q. Were they under guard?—A. They were allowed to walk on deck, both above and below. I do not know that they were confined to any particular limits.

Q. What was the condition of Masterman's health?—A. Both were very much debilitated, and looked as though they had suffered a good deal, both bodily and mentally.

Q. How long were they under treatment?—A. There was only one under treatment, and that was Bliss. I saw him every day while he was on board ship.

Q. How long was that?—A. One week.

Q. Did he improve?—A. Yes, sir; he said he did.

Q. What was your opinion?—A. I thought he did. I did not consider him dangerously sick. He looked like a person who had suffered a great deal, and had been exposed to the sun and weather.

Q. Were they furnished with all the provisions that you prescribed for them?—A. I think they were. I heard nothing to the contrary. I gave the instructions to the steward, and I presume they were carried out.

Q. Had you all the hospital stores you desired?—A. I do not remember whether I had at that time or not. Sometimes I had not. The vessel was small, and the supplies would sometimes run out. I would often purchase articles myself. I had often great difficulty in getting my requisitions filled.

Q. At what point were these men taken from the Wasp?—A. At Montevideo.

Q. To what vessel were they taken?—A. The flag-ship *Guerriere*. While they were on board the Wasp, Captain Kirkland wished me to see Bliss and Masterman, and inquire about the manner in which they had been tortured. I saw them and they gave me a description of it.

Q. Did you make any physical examination?—A. I did not, because in questioning them they said they had no marks or scars about their persons. From what they said to me as to the manner in which they had been tortured, I knew it would not leave a scar. Bliss complained of his spine. He said his back would snap occasionally. He did not complain of it particularly as he did not require treatment on board.

Q. From what you heard in reference to this torture, what effect do you think it would produce?—A. It might produce a spinal disease, but as he was erect and walked about, I did not consider him suffering with it. It might, however, result in spinal disease eventually. The torture they endured was somewhat similar to the punishment they used to have in the navy.

Q. "The cracking of the spine?"—A. No; the tying them down. It was not exactly the same, but it was the same style.

By Mr. WILKINSON:

Q. You say Captain Kirkland asked you to make some inquiry?—A. He did, and I made the inquiry, and told him what Bliss and Masterman told me. They spoke of different modes of torture inflicted on other persons, as pounding the fingers with mallets. I asked them if they had suffered in that way, and they said no.

By Mr. SWANN:

Q. You say they came on board in a very ragged condition, and that you made application and they were supplied with proper clothing?—Yes, sir.

Q. Where did you make application—to the admiral?—A. No, sir; I did not get these clothes from the ship's stores, but from the officers; I asked them personally.

Q. Did Mr. Bliss, in speaking of the tortures he had endured, request you to speak to the admiral about them?—A. No, sir; I do not remember that he did.

Q. He had no communication with the admiral himself?—A. Not that I know of.

Q. In reference to this "cracking of the spine," if the spine had cracked so that the sound was even audible, what effect would it have had upon his system; would it not have produced results that might have been fatal to him?—A. He might have had a slight cracking of that description and it not have been fatal.

Q. In what condition did you find the spine?—A. He did not complain of his spine. He only complained of a slight pain in his abdomen.

Q. Was that pain in the abdomen produced by the torture or by disease?—A. I think it must have been produced by the water he drank on shore. He seemed to complain more of the torture, however, than anything else.

Q. In your observation and treatment of the prisoners, what was your impression about their treatment; were they treated with humanity and kindness on board the ship?—A. I saw nothing inhuman about it.

Q. No guard was placed over them?—A. They were in charge of the master-at-arms.

Q. They were allowed freedom of the decks?—A. Yes, sir; I have seen them walking about.

Q. Both fore and aft?—A. I do not remember that.

Q. Did they have any conversation with any of the officers besides yourself?—A. I think I was the only officer of the ship that had any conversation with them.

Q. Had their rations regularly distributed to them?—A. I always thought so. I never heard of any difficulty about it.

Q. Where did they sleep?—A. They slept forward.

Q. Were their rations the same as those of the men?—A. I gave them, in addition, arrowroot and rice. I ordered my steward to do it, and also saw the paymaster about it. I suppose they received it. I attended to them the same as I would any one else.

Q. You had your instructions from the admiral to do that?—A. No, sir. I did that of myself. If they wanted anything they spoke to me. Once Bliss wanted writing paper, which I furnished him. I also gave him some reading matter, papers, &c. The admiral gave me some newspapers also, which I handed them.

Q. Were there any attempts to communicate with them by outside parties, that you knew of, while they were on board?—A. Not that I know of.

Q. From the description that Mr. Bliss gave you of his situation, and the torture to which he had been subjected, did he make out a case that made such an impression upon your mind that you thought it ought to be communicated to the admiral, so as to put him in possession of all the facts?—A. I did not think of that, because the admiral was on board himself, and we had Minister McMahon also, and other officers of superior rank to myself. I presumed they would attend to it.

Q. Did it make that impression upon you that in your judgment the admiral ought to know the situation of these men?—A. I explained to Captain Kirkland the treatment and torture they had endured, and I suppose the admiral knew it.

Q. Captain Kirkland was captain of the deck?—A. Yes, sir; he had command of the ship.

Q. Were these men permitted to communicate with the men on board?—A. I do not remember whether they were or not.

Q. They were held as prisoners?—A. I considered that they were prisoners.

By Mr. WILLARD :

Q. You say that Captain Kirkland requested you to inquire of Mr. Bliss about this torture?—A. He did, and I made known to the captain the result. I think the admiral was present when I reported it to the captain.

Q. How long after he was taken on board was that?—A. About a day or two, I think.

Q. What effect did the story you told have on these officers?—A. I do not know. I did not see any effect. They were not in the habit of informing me of their opinion on all points; but as regards the other officers, they considered Lopez an inhuman and barbarous person for treating them in this manner.

Q. After you communicated this story about their torture and treatment to the admiral and captain, did it change the relations of Bliss and Masterman on the vessel?—A. I did not notice any change. There might have been some change a day or two before we reached Montevideo. I do not remember now.

By Mr. SWANN :

Q. Did you know anything about Bliss or Masterman; had you been previously acquainted with them, or known anything of their personal history?—A. No, sir.

Q. They came to you as strangers?—A. Yes, sir.

By Mr. WILKINSON :

Q. Did the stories of Bliss and Masterman agree, in their main facts, with each other?—A. Yes, sir; that is my impression.

By Mr. ORTH :

Q. What was the state of Mrs. Washburn's health at the time you saw her in September?—A. It was not very good. I prescribed for her several times while she was on board the ship.

Q. Was her illness of a nervous character?—A. Yes, sir. She was confined to her cabin part of the time. I heard she was sick afterward in Buenos Ayres.

Q. What length of time was required to run down from the point where you received Mr. and Mrs. Washburn to Montevideo?—A. About a week, I should judge. It would take longer to go up the river.

Q. Did the admiral, or General McMahon, or any of the higher officers endeavor to ascertain anything of the condition of Bliss and Masterman, or obtain any statements from them?—A. Not that I know. I probably would not know it if they had. It would be mere accident if I did.

By Mr. WILLARD :

Q. Did Bliss ever complain to you that he did not receive the rice and arrow-root you say you ordered?—A. I do not remember that he ever did.

Q. Have you read the testimony he gave before this committee?—A. I did not see it until yesterday, and was very much surprised at the nature of it. Bliss always expressed himself very grateful to me, and just before he left the ship he presented me with a copy of his book.

Q. You say you gave him everything an invalid would require?—A. Yes, sir. I treated him the same as I would anybody else under my care.

Q. Did you see that your orders to the steward were obeyed?—A. I had no reason to believe that they were not. He was a very faithful man, and had been long in the service.

Q. Did you not think that the prejudices against these men among the higher officers of the ship would thwart your intentions?—A. It did not occur to me at the time. They did not complain to me then, and Bliss, on leaving the ship, thanked me for my kindness to him. I gave them everything I thought was necessary.

Q. What was the deportment of these men on board the Wasp; how did they conduct themselves?—A. In a very proper manner. I heard of no disturbance or complaint from them.

Q. You saw no collisions between these men and the ship's crew?—A. No, sir.

Q. Nor did you hear any taunts, or anything calculated to make them feel unpleasant?—A. No, sir.

Q. Did they have marks of fetters on their clothes or ankles?—A. When I inquired of them about the torture, I asked if there were any marks or scars about their persons, and they said there were not. I, therefore, did not examine them. Their pants were very ragged, and the lower part of them had the appearance of being torn and worn by fetters. I spoke to the officers about their ragged condition in order to get some old clothes for their use, but I afterward found that Bliss had a change of clothes in his valise on board the ship.

Q. The treatment that Bliss and Masterman received on board the ship was not such as attachés of legation should receive?—A. I should think not.

Q. How long was that trip, from the time these men were received on board until you reached Montevideo?—A. About a week.

Testimony of L. C. Carpenter.

NEW YORK, October 25, 1869.

LAWRENCE C. CARPENTER sworn and examined.

By Mr. ORTH :

Question. State your name and residence.—Answer. Luther C. Carpenter; I live in Washington City.

Q. What is your occupation?—A. A soldier.

Q. Were you at any time connected with the American navy; and if so, when?—A. I was sergeant of marines. I served two enlistments—eight years altogether. My last enlistment was from the 29th of September, 1865, to the 29th of September, 1869.

Q. Upon what vessel or vessels were you during that time?—A. I was at first on board the Chattanooga, afterward transferred to the Sacramento, and afterward to the Guerriere.

Q. At what time were you transferred to the Guerriere?—A. I think the 17th of June, 1867, and remained until the 13th April, 1869.

Q. Where was the Guerriere in the fall of 1868?—A. She left Rio for Montevideo under the command of Captain M. B. Woolsey. Rear-Admiral Davis was flag-officer.

Q. Do you know, or have you ever met, Bliss and Masterman?—A. I had them in charge. We received them from the Wasp at Montevideo, and took them to Rio.

Q. What time was that?—A. It was somewhere about Christmas day, 1868.

Q. How long were they under your charge?—A. They were under my charge for one . . . week.

Q. What do you mean by saying they were under your charge?—A. They were put under my charge, as I understood, as prisoners.

Q. From whom did you receive orders to take charge of them, and what were they?—A. I received orders from Captain Philip R. Fendall to take charge of them; not to allow them to hold communication with any one belonging to the ship; to allow them to hold no communication with the shore; to write no letters or send them off without being first examined by Captain Woolsey.

Q. Where did you receive these orders?—A. We were stationed at Montevideo.

Q. How long did they continue under your charge?—A. They were put under my charge at first to continue all the time, but the duty was so arduous that I complained to Captain Fendall, and he relieved me. They were then put in charge of Sergeant Call, and afterward of Sergeant Hope.

Q. Was that after you left Montevideo for Rio?—A. I could not state positively whether the ship was at sea or not.

Q. What was their condition as regards health when you first saw them?—A. They looked rather miserable, as if they had had a hard time.

Q. Were they in charge of the surgeon of the *Guerriere* after they came on board?—A. I could not state. I saw Dr. Duvall speak to them, and they inquired for him several times.

Q. Who supplied them with rations?—A. They messed in the forward mess.

Q. Were they confined to any particular part of the vessel?—A. They were confined to the steerage, but on my going with them they could go to any part of the vessel they pleased.

By Mr. WILLARD :

Q. Was this while they were in port?—A. I cannot now remember.

Q. I understand you to say that your orders were to keep them from communicating with anybody at all?—A. No, sir; it was only to keep them in sight. They were allowed to speak to anybody belonging to the ship's company, but not with the bumboatmen; that is, men who come alongside of the ship to dispose of merchandise.

Q. They were not permitted to go ashore?—A. No, sir; not during the time I had charge of them.

Q. Were they permitted to make purchases from the shore?—A. If they wanted anything from the shore, the purchases had to be made through me.

By Mr. SWANN :

Q. Was any attempt made to communicate with them while they were under your charge?—A. None at all, except by the bumboatmen who had things to dispose of.

Q. When you first received these persons, how did you take care of them?—A. I took care of them as a soldier would. I was not harsh with them any more than my orders required.

Q. You did not imprison them?—A. No, sir; Masterman was very nervous and took his imprisonment very much to heart. He used to sit in a little room a great deal and write in his private journal.

Q. Had you known either of these men previously?—A. No, sir; never saw or heard of them.

By Mr. ORTH :

Q. Did they complain to you at any time of the treatment they were receiving—as insufficient provisions, medical treatment, or anything of that kind?—A. I could not say that they did; the mess treated them very liberally. They seemed to wish to pay their way through as far as they could.

Q. Had they any money?—A. They had some. I could not say how much. If I am not mistaken, Bliss was inquiring whether he could have his passage paid home or not.

Q. Did you see them frequently after the vessel went to sea?—A. I saw them sometimes in charge of Sergeant McCall on the forecabin of the vessel.

Q. How frequently did you see them there?—A. I saw them every day or two.

Q. While they were in your charge, did they express a wish to have an interview with any of the superior officers of the ship?—A. Yes, sir; they had an interview with Captain Woolsey, and I believe one or two with Admiral Davis.

Q. Was any change made as regards the treatment of Bliss and Masterman—any difference made between them—after they had seen Admiral Davis?—A. Bliss asked for no liberties except complaining of the restraint he was under, but I believe Masterman asked for a parole, and got it. Bliss, however, was kept in charge of the non-commissioned officer all the time until we reached Rio, I think.

Q. The last you saw of them was at Rio?—A. Yes, sir; they went ashore one morning before the steamer for the United States went out and were transferred on board it.

Q. How long were they on board the *Guerriere* while she was in Rio?—A. I cannot recollect; about two or three days, I think.

By Mr. SWANN :

Q. You think that interview between Admiral Davis and Masterman took place?—A. I think that it did.

Q. You state that they were received kindly by the mess.—A. I cannot state that, because I heard bickerings, and I know that Mr. Mack, the gunner, left the mess because they were there; as also did Mr. Meagher, the carpenter.

Q. Was it owing to their ragged condition?—A. No, sir; they had been clothed by that time.

Q. Was their deportment offensive or respectful?—A. They conducted themselves gentlemanly; they both seemed to be gentlemen, so far as I could judge.

Testimony of Marius Duvall.

NEW YORK, October 25, 1869.

MARIUS DUVALL sworn and examined.

By Mr. ORTH :

Question. What is your occupation ?—Answer. Surgeon in the United States Navy.

Q. How long have you been in the navy ?—A. About twenty-seven years.

Q. What is your present position ?—A. I am now on duty at the Norfolk naval hospital.

Q. What is your rank ?—A. I rank with a commander. In the South Atlantic squadron I was the surgeon of the flag-ship and also surgeon of the fleet.

Q. Between what periods of time were you connected with the South Atlantic squadron ?—A. Between the summers of 1867 and 1869.

Q. On board of what vessel were you at that time ?—A. The flag-ship *Guerriere*.Q. Whose flag-ship was the *Guerriere* ?—A. Rear-Admiral C. H. Davis.

Q. What time in 1868 did you leave Rio for Montevideo ?—A. I think we left Rio somewhere about the latter part of October, 1868, and we arrived at Montevideo about November 4.

Q. What did you understand to be the object of that voyage ?—A. The object of that visit, as I understood it, was to convey the new minister to Paraguay, (General McMahon,) who had a short time before arrived in Rio. We were to take him down to the La Plata, and then up the Paraguay to Asuncion, and see how matters stood there in regard to Mr. Washburn and his legation.

Q. Were you at Rio when General McMahon arrived there ?—A. Yes, sir.

Q. How long was he detained there prior to his departure for Montevideo ?—A. I think he arrived about the 20th of October, and the *Guerriere*, with four other vessels of the squadron, left on the 28th of October—that is the day on which the United States mail packet generally arrives.

Q. Did the admiral expect the arrival of General McMahon at Rio ?—A. Not that I know of.

Q. Did Minister McMahon experience any difficulty in procuring transportation down to Montevideo on your vessel ?—A. No, sir.

Q. Was there any hesitation on the part of the admiral ?—A. Not that I heard of. It was the general topic of conversation on board the ship, for a little while previous, about General McMahon going in the vessel with his family, which consisted of two unmarried sisters.

Q. At what time did General McMahon arrive and take passage on the *Guerriere* ?—A. I do not know exactly when he arrived, but I presume it was on the 20th.Q. What time did he go on board the *Guerriere* ?—A. I do not recollect, but it must have been some days before she sailed, because he was a patient of mine, and I prescribed for him.

Q. You think you sailed about the 28th of October for Montevideo ?—A. Yes, sir.

Q. What time did you arrive at Montevideo ?—A. On the 3d of November, I think.

Q. Did the *Guerriere* remain at Montevideo any length of time ?—A. Yes, sir; she remained until the 15th of the following January.Q. What became of General McMahon and family after you arrived at Montevideo ?—A. They remained on board the *Guerriere* until, I think, a few days before General McMahon left to proceed to his post at Asuncion.Q. On what vessel did he proceed ?—A. He went up in the *Wasp*. I do not recollect whether he left the harbor of Montevideo in the *Wasp*, because his sisters went up in the ordinary passenger steamer that plies between Buenos Ayres and Montevideo. The admiral also went up with Mr. McMahon in the *Wasp*.Q. Did you accompany the admiral up in the *Wasp* ?—A. No, sir. On the passage down I asked the admiral for permission to accompany him up on the *Wasp*, as I always make it a point, when in a foreign country, to see as much of the country as possible. He said, "Why do you want to go?" I told him I had a new breech-loading gun, which I had purchased, and was very desirous of testing its qualities. He made me no answer then, but I afterward met him, and he told me there was no room on board the *Wasp*, and that, besides, there was a good deal of fever and ague up there. I was surprised at the admiral not letting me go, as he himself was subject to diarrhœa, and as it was such a hot climate I thought he would like to have the fleet surgeon with him.Q. Did he have any surgeon ?—A. Yes, the surgeon of the *Wasp*.

Q. Did Minister McMahon experience any difficulty in procuring transportation up the Paraguay from Montevideo or Buenos Ayres ?—A. I do not know.

Q. You know of no unnecessary detention there.—A. No, sir.

Q. How long after your arrival did the *Wasp* start up the Paraguay ?—A. We arrived about the 3d of November, and the *Wasp* left with the admiral on the 19th, so that we were a little more than two weeks there before the admiral started.

Q. What time did the Wasp return?—A. The Wasp returned to Montevideo on the 18th of December.

Q. Were Bliss and Masterman brought down on the Wasp at that time?—A. Yes, sir.

Q. Had you ever seen them before that time?—A. No, sir.

Q. Did you see them on board the Wasp?—A. No, sir. I saw them on board the *Guerriere* on the morning of the 22d of December. As soon as the admiral told me I could not go up the Paraguay with him, I accepted an invitation that had been extended to me by Mr. Bushenthal, a prominent banker, to go up on a visit with him to Cordova, and I did not get back from this visit until the 22d of December. When I got on board I learned that Bliss and Masterman were on the vessel, and I went up immediately and introduced myself to them, and from that time we had frequent intercourse.

Q. What was their condition of health when you first saw them?—A. Mr. Bliss struck me as a person who had been suffering very greatly.

Q. Physically or mentally?—A. Both; that is, as a diseased person—a person of very precarious health. I judged this from the haggard countenance, the hollow eye, the waxen condition of his ears, from his unsteady gait, and the fatigue he experienced from conversation.

Q. Did you make any physical examination?—A. I made no physical examination of Mr. Bliss, but I asked him if there were any marks on his person resulting from the treatment he received at the hands of President Lopez, but he told me he had none. He then described to me the different modes of torture, and explained to me the suffering it had produced in the bowels. But Masterman had told me it had more effect on his back from the strain it put upon the spine. I did not then examine Masterman, but afterward I had certain reasons for examining him.

Q. Did you prescribe for Mr. Bliss?—A. No, sir.

Q. At any time?—A. No, sir. I think when he first came on board Dr. Brown, the first assistant surgeon, prescribed for him. He complained of some pain in the bowels.

Q. Did you regard that pain in the bowels as the result of the torture, or was it from some disease independent of the torture?—A. I suppose it was the result, possibly, of both. The bad food, privation, and distress of mind which he suffered, together with the pent-up condition of his body, all operated to bring on this condition of his bowels.

Q. How were they received and treated on board the *Guerriere*—as prisoners or otherwise?—A. When they came on board the *Guerriere* on the 18th, the officer receiving them ordered them to be placed in the master-at-arm's mess, although both demurred to that.

Q. Why did they demur?—A. Because they thought it was not a proper place to put them. Masterman had been in the British service, and knew something of the public opinion of the service; that is, the status which every man occupies, by the place he messes in; and Masterman objected to that more particularly, he having belonged to the American legation at Asuncion. He was not content to mess with the master-at-arms. An appeal was taken to the admiral, and during the delay that occurred Captain Woolsey came out and told the executive officer to send the men off the quarter-deck into the port gangway, a greater indignity than which cannot be offered to any man on board a man-of-war. The port gangway is where all the servants, scullions, &c., congregate.

Q. Was that order carried out?—A. Yes, sir. And in due time the original order putting them in the master-at-arm's mess was countermanded, and they were put in the forward mess.

Q. How long were they kept in the port gangway?—A. About two hours. I was not on board the ship at the time, but heard it as part of the history of the transaction. The reputation which had been given these gentlemen by Lopez to the naval officers evidently preceded them, and when they were placed in the forward officers' mess one of the officers declined to appear at the table with them, on the ground that they were improper people for him to associate with.

Q. What naval officers were these?—A. Naval officers of the squadron—certain officers I will mention as I go along, because the whole contest that I had (sometimes ill-natured and sometimes pleasant) with officers was about the doctrine that these two men were criminals, and that they were damned scoundrels.

Q. With what persons did you have that controversy?—A. Well, with several gentlemen of the South Atlantic squadron. With Captain Woolsey, for instance. He did not, however, apply to them the epithet of damned scoundrel. His epithet was that of "scoundrels" or "scamps."

Q. Did you hear the admiral say anything about them?—A. No, sir. I only spoke to the admiral on one occasion after my return from Cordova.

Q. Was there any distinction made between Bliss and Masterman in their treatment on board the *Guerriere*; and if so, who fared the better?—A. There was a distinction made at a certain period, and of course Masterman fared the better.

Q. How was that brought about?—A. On the 18th, when these two gentlemen came

on board, and were disposed of by being located at the master-at-arms' mess, they were not put under a sentry's charge; but on the morning of the 22d, when I came over from Montevideo, after my trip to Cordova, I learned that Bliss and Masterman were on board. I also learned that two gentlemen were on board and wanted to see Mr. Bliss—one of them, Dr. Bourse, an American citizen and practicing dentist in Montevideo, and the other was Don Carlos Saguier. Don Carlos Saguier came on board to see Mr. Bliss and explain to the admiral who he was, as he thought there must be some misapprehension. Dr. Bourse merely escorted him, as he was an American, and proposed to introduce him to the officers. When they got on board, Don Carlos Saguier requested permission to see Mr. Bliss. That permission was denied. I think he made it first to the captain and then to the admiral. At any rate it was denied. Captain Ramsey told Dr. Bourse that he, (Dr. Bourse,) being a gentleman, might see Bliss, but that he would not allow Don Carlos Saguier to see him. Of course I inferred from that that Don Carlos Saguier was not a gentleman. At any rate, immediately after breakfast the officers of the ship received orders to put these two "men," as they were called, under a sentry, and not allow them to communicate with anybody on shore or write any letters. Soon after breakfast I went to see them. They seemed at first rather shy of me. I addressed them with the utmost politeness, and expressed gladness to see them. They commenced conversing with me, shyly at first, but after a while more freely, and then gave me a history of the treatment they had received from Lopez, from the moment they were arrested at the side of Mr. Washburn up to the moment I spoke to them. I was rather astonished at the account they gave me of their reception on board the Wasp. They said that as soon as they touched the decks of the Wasp, after being released by Lopez, Captain Kirkland ordered them to be placed under the master-at-arms, with orders "not to let them loaf about." Masterman protested against it, and it ended in their being sent forward. But one thing they related struck me with astonishment and amazement—that was, that Masterman, after urging Mr. Bliss a great deal to go to the officer of the deck and request an interview with General McMahon, and communicate with him all the facts in their possession, finally got him to make the request, and was put off by the officer of the deck with the remark: "Oh, we know all you have got to say." It was so much cold water thrown on Bliss's efforts. He resolved to abandon all efforts to see McMahon; but Masterman continued to urge him, knowing that Bliss was an American citizen; and finally the master-at-arms was sent in to the general, and returned with the answer that he was engaged, but would send for them whenever he wanted them. But he never did send for them, but left for Paraguay without seeing them. When they first came on board they were provided with nothing to sleep in but a bare hammock, without any clothing in it—a mere piece of canvas. Masterman had a mattress given him afterward; and on learning how it was, I furnished them with all the necessary materials to make them comfortable.

Q. Did Bliss improve rapidly after going on board the *Guerriere*?—A. He improved sensibly. I could see the improvement. He improved in spirits and in health; but it was not very marked or rapid. Masterman improved more rapidly, I think.

Q. Do you know whether they had any interviews with Captain Wolsey or Admiral Davis while on the passage from Montevideo, or of their desiring such interviews?—A. I do not think Mr. Bliss desired to have any interviews with anybody, but I know that Masterman formally requested an interview with Admiral Davis on the 4th of January, 1869. That request was granted, and Masterman reported to the admiral (so Masterman told me) that his position was irksome beyond endurance; that the fact of his being under charge of a sentinel was more distressing to him than he could imagine; that if he could be relieved he would give his parole not to have intercourse with anybody on shore. There was no prohibition against his having intercourse with the officers or crew of the vessel.

Q. Do you know how the admiral regarded these men; did you have any conversation with the admiral about it?—A. No, sir; not a word. I know that Admiral Davis told the consul at Rio that they were guests on board the *Guerriere*, and I told the consul at once that that could not be true, if there was any meaning attached to words.

By Mr. WILKINSON:

Q. Do you know about their mess bill being made out as "prisoners," that being so specified on the bill?—A. No, sir; I do not. They were prisoners evidently. It did not matter whether anybody on board the ship said they were prisoners or not. It is utterly impossible for anybody to conceive how parole does not mean imprisonment. It was probably stated in the master-at-arms' report, and not in the mess bill, that they were prisoners.

Q. By whose authority were these men sent on board the *Guerriere*?—A. By authority of Admiral Davis.

Q. You had no acquaintance with them before?—A. No, sir.

Q. You knew nothing of their history?—A. Oh, yes; I knew a great deal about the history of Mr. Bliss, because he had come out as private tutor with General Webb,

and I had a pretty clear conception of the nature of Mr. Bliss and his capacity, &c., from General Webb's description of him.

Q. You say you became intimate with him on board?—A. Yes; I conversed with him every day. I took great interest in their situation, and then Mr. Bliss is a man of splendid intellect, and he gave me an excellent description of Paraguay, which was comparatively an unknown country.

Q. Bliss says in his statement that "Dr. Duvall suffered for our imprisonment, for the admiral refused to allow him to go on shore for three weeks, to the best of my recollection. This was while we were lying off Montevideo." What was the cause of this difficulty between the admiral and yourself?—A. Mr. Bliss makes a mistake there as to time; it was two weeks and not three weeks. As I stated when I found I could not go up the Paraguay, I accepted this invitation of Mr. Bushenthall to go to Cordova with him, provided the admiral would give me permission. I saw the admiral and told him of the invitation that Mr. Bushenthall gave me and said to him, "Now, sir, with your permission I will make that visit," and he said, "Certainly, by all means." I then explained to Admiral Davis that I did not know the facilities of travel to Cordova; that any specified time he might give me I might overstay, as probably the journey to Cordova would be over a rough road, and I asked him if I might start on the journey with the understanding that if I was delayed two or three days it would make no difference. He said, "Certainly." I then said, "You are going to Paraguay very soon and I am not going to Cordova until the 1st of December, and I fear Captain Wolsey will not take the responsibility of allowing me to go." He said he would talk with Captain Wolsey about it. On the approach of December 1st I made out my application to Captain Wolsey, and took it to him in person, and explained to him the reason why I wanted the leave. He told me to make out the application without specifying any time, which I accordingly did, and he then granted me two leaves of one week each, one from December 1st to the 8th, and another from the 8th to the 15th. At that time I thought two weeks sufficient in which to make the journey. But Mr. Bushenthall was detained in Buenos Ayres one week on business, leaving only a week to make a journey of over five hundred miles on wagon roads. However, relying on the verbal permission of the admiral, I was under no misapprehension. I returned to the Guerriere on the morning of the 22d and immediately went to Captain Wolsey's cabin and sent my name in to him with a message that I was ready to report. He sent word back that he was dressing and that I could report after breakfast. Soon after reaching my room I received a message from Captain Wolsey, through an orderly, saying that he desired an explanation in writing why I had overstaid my leave or my written leave from Captain Wolsey, only extended to the 15th. I wrote him immediately, stating that Mr. Bushenthall had been detained a week in Buenos Ayres; that we had lost a day in going because of heavy rains on the Pampas; and I then stated that Admiral Davis had granted me leave to make this visit, and I presumed that permission, so granted, gave me as much time as was necessary to make the visit. A few days afterward I met Captain Wolsey and he said he had laid the whole matter before Admiral Davis. It is a regulation that when a fleet-officer gets into any difficulty the matter is to be left with the admiral. I heard nothing in regard to it for several days, and occupied myself in collecting all these accounts from Mr. Bliss and Mr. Masterman, so that I did not wish to go on shore for some time. Meanwhile Chaplain Henderson had told me that Mrs. Kellogg, widow of my predecessor, and who was an applicant for a pension, wished to see me in regard to it. As soon as I received that message I asked for permission to go on shore. That was, I think, four or five days after the 22d. I asked permission of Captain Wolsey on the quarter-deck. He told me yes, and immediately spoke up, "Doctor, this little matter between you and the admiral has not been settled yet, and I do not feel authorized to give you the leave." I said I would make written application to the admiral and call the matter up, and accordingly did so. I received no answer to this, and made a second application. To this the admiral wrote back calling my attention to a certain statement that I had made to Captain Wolsey that he (Admiral Davis) had given me permission to visit Cordova and to my note to him wherein I stated that my visit to Cordova had not been settled yet, and he said that he had no recollection of giving me such permission; that there was no record of it on the files in the fleet-office where it should be found. I immediately saw what the drift was, because the admiral might have forgotten that he had given me permission, but he could not have forgotten that there were at least thirty instances during the cruise that he had given me such permission, and there was no record on the fleet of it; and yet he springs that on me that there was no record in the fleet's office. From that moment I resolved to have nothing to do with Admiral Davis and I have not spoken to him but once after that.

Q. When did all this occur?—A. About four days after my return.

Q. Before your acquaintance with these two men, (Bliss and Masterman,) had you been posted as to what had occurred in Paraguay between them and the authorities there?—A. Yes, sir; pretty well.

Q. You knew what had taken place?—A. Yes, sir.

Q. You knew of the confession they had made before the tribunal?—A. No, sir; I did not know of that. I only knew, for instance, that they had been arrested and taken from Mr. Washburn's side. I knew they had been attached to Mr. Washburn's legation.

Q. When these two strangers came on board, and Captain Ramsay gave them permission to communicate with the American citizen, and made the remark you spoke of about the foreigner, had you any knowledge of Bliss and Masterman?—A. No, sir; I knew neither of them.

Q. Do you not suppose that the idea occurred to Captain Ramsay, at the time he made this remark, that perhaps there might be some conflict as between these gentlemen and the Paraguayan authorities?—A. I do not.

Q. That they were in complicity with the allies, and that they were desirous of communicating with these parties?—A. My impression of it was this: I had noticed all along that there was a very singular effort to stifle everything that was said against Lopez, and to parade everything that might be said against Mr. Washburn and his legation.

Q. That applied to the fleet officers?—A. No, to the officers generally, and more particularly to the admiral and Captains Ramsay and Kirkland. Don Carlos Saguier was a native of Paraguay, and formerly an officer in Lopez's army, but abandoned him because of his cruel and barbarous conduct, and was now in sympathy with the allies. I suppose it was on that account that Captain Ramsay would not allow this enemy of Lopez to communicate with Bliss; because if he gave any information about Paraguay this Don Carlos Saguier would repeat it. That, however, was a mere speculation on my part.

Q. Do you know whether Admiral Davis received any official communication from Minister McMahon at the time these prisoners went on board the *Guerriere*?—A. I do not.

Q. You do not know whether there was any explanation as to the state of things existing in Paraguay?—A. No, sir. I presume there could have been none from Bliss and Masterman. The admiral and General McMahon both declined to have any intercourse with them.

Q. How did these two gentlemen conduct themselves on board that ship?—A. They kept themselves very quiet.

Q. Did you see any evidence of unkind treatment towards them?—A. No, sir; no positive unkind treatment; it was simply neglect. I do not think anybody on board ship said a harsh word to them at any time. One or two of the forward officers and several of the midshipmen, whose location in the ship was near them, used to converse with them in, apparently, a friendly manner.

Q. Do you know whether there was any representative of the British government, such as consul, within striking distance at the time they were put aboard the ship?—A. I think there was.

Q. Did Mr. Masterman make application to the British consul?—A. Yes, sir. He showed me the letter he sent and the answer he received.

Q. What was the nature of the answer?—A. The answer was very kind, stating that he would lay the case before the American legation at Asuncion, and advising Masterman to be very patient, and to state his case to the admiral; but that he could not interfere with him.

Q. Did Masterman seem to be more dissatisfied with his treatment than Bliss?—A. He manifested it more. He seemed to feel it more. He did not manifest it in any way that I saw, except in his expressions to me, and I presume he may have done the same to others with whom he conversed. When Admiral Davis took the stand he did with me, of course I began to think quite seriously of it. But it was not until three months afterward that he ordered a court-martial. In the mean time I had continued doing duty both as fleet surgeon and surgeon of the ship. There was really but one witness before the court. It was a question of veracity between Admiral Davis and myself. He swore before the court that he gave me no leave; but fortunately, I produced a letter written by him to me, in which he particularly acknowledged that he did give me the leave. The words of that letter were: "When in familiar conversation I expressed my willingness that you should go to Cordova," &c. Upon these words I was acquitted, notwithstanding he swore he gave me no leave; and it was proved by irrefragable testimony that he was in the habit of giving me verbal leaves. The finding of the court was, that I was warranted, from the practice of the admiral in giving me verbal leaves, in taking the leave this time.

By Mr. ORTH:

Q. Do you suppose the antipathy on the part of the admiral was caused by your friendship for Bliss and Masterman?—A. I thought it was at first; but, putting all things together, I concluded that it was for another reason. Somewhere about the last of December there was introduced on board the ship a Paraguayan officer. He was a man of commanding presence, and he made a great impression on my mind, as

he was the first specimen of a genuine Paraguayan officer (of whose bravery we had heard so much) I had ever seen; but, finally, the whole matter passed out of my mind. Captain Woolsey and Admiral Davis were evidently in concert in preventing me from going on shore. I would apply to Captain Woolsey for permission to go ashore on the 10 o'clock boat; he would return the application to me, saying that I had put two o's in his name, or that he had blotted it or defaced it. Another time I wrote to the admiral, asking him if he had taken any action on my application, which, I had been informed by Captain Woolsey, had been forwarded to him, and he wrote back that it was declined because it was disapproved by my commanding officer. But, finally, on the 8th of January, the admiral answered me, in response to my urgent appeal to go on shore, that the captain of the ship was authorized to grant leaves for forty-eight hours. I knew this was virtually yielding the point. The next morning I applied verbally to Captain Wolsey, and he gave me permission. Just before I went on shore, I happened to go down to see Mr. Bliss, and I told him I was going ashore, and if I could do anything for him to let me know what it was. I found he was in the greatest distress imaginable. Says he: "Doctor, look here!" and he showed me with trembling fingers a letter which had just been brought down to him by Admiral Davis's negro. I took it and read it, (it was in Spanish,) and I found that it was a letter from Captain Gill, of the Paraguayan navy, and, I believe, the same officer who had been introduced on board ship several days before. It was dated "Oriental Hotel, Montevideo, December 30, '68;" and on January 9, ten days afterward, it was handed to Mr. Bliss, with the end of the envelope torn open, accompanied by a verbal message from the admiral that he had read it and forgotten it. Says I: "For Heaven's sake take care of that letter; go into the dispensary and get an envelope, and put this letter and envelope, just as it came to you, in it, and preserve it." The contents of the letter were what astonished me. It appears that this gentleman had written to Mr. Bliss about the statement which he (Mr. Bliss) had made of him when he was compelled to make statements against Mr. Washburn and various other people in Paraguay. At the time these statements were made Captain Gill was one of the commanders of the batteries at Humaita, and these statements in the alleged confessions of Mr. Bliss implicated this Captain Gill in the conspiracy in which Mr. Washburn was engaged. Captain Gill says in this letter: "Having known you to be a man of truth and honor when I knew you in Paraguay, I take the opportunity of addressing this note, now you are at full liberty." The note then went on and asked a full explanation of the matter from Bliss, conveying the idea that, as he was now at full liberty, he should speak out. As soon as Mr. Bliss showed me this letter there was another motive for hurrying ashore; for I resolved to go immediately to the Oriental Hotel and see Captain Gill, and tell him the situation of Mr. Bliss. When I reached the Oriental Hotel I found that Captain Gill had left a day or two before; and thus the detention of that letter by Admiral Davis, from December 30 to January 8, inflicted as great an injury upon Mr. Bliss as one man can do to another. And I firmly believe that my detention on board the *Guerriere* was due to the fact that Captain Gill was in Montevideo. I advised Bliss to answer the letter and send it to Captain Wolsey, as all letters from him had to be inspected before they were sent out. Captain Wolsey told me afterward that it was sent to its destination. I have my doubts, however, that it was sent to its destination. I never saw it published. Besides, this letter contained an express denial of all the statements in that confession. So that if this letter went to its destination, it would have defeated the whole idea of the detention of Gill's letter to Bliss.

Q. What was Captain Hill doing at Montevideo?—A. He was captured by the allies at Humaita and was on parole. One day a Spanish officer came on board from the Spanish flag-ship lying near, and inquired for Mr. Bliss. Bliss was called on deck and the officer then asked him if he had prepared his answer to the letter sent to him. He, of course, was astonished, and said he had received no letter. Bliss presumed that the Spanish admiral had sent a letter inquiring about the condition of Spanish subjects in Paraguay.

Q. These things, you think, were done to prevent the truth getting out in regard to Lopez and himself?—A. Yes, sir; things went on in that way until about the 15th of January, when it was known that we were getting steam up to go to Rio. It was understood that we were to leave at one o'clock, and a little after twelve Mr. Bliss came down to me in great despondency, and said that there was one subject weighing upon his mind. He had promised a young gentleman, a fellow-prisoner in Lopez's country, to give some intelligence of him to his father, if he should survive him. They had made an agreement that if one survived the other the survivor should give intelligence to the family of the other. Mr. Bliss had been so much restrained that he had not written this letter, and now that he was going to leave without writing the letter, he felt very much distressed. I told him to sit down and write the letter, and I would write it for him. Captain Wolsey. He did so, and I took the letter to the admiral for lunch with Captains Ramsay and Kirkland. Saw

I think it necessary to say that he wrote it at my suggestion." "Very well, doctor," says he, "I will lay it before the admiral." That was the last I heard of it. We got under way that day, and a little before dark on the 18th, three days afterward, Captain Woolsey sent for me. When I reached the cabin I found Mr. McDougall, the executive officer of the ship with him, whom I afterward learned had been detained as a witness to the conversation between Mr. Woolsey and myself. He then said, holding his letter in his hand, "Doctor, here is the letter that Mr. Bliss wrote and you brought to me on the 15th. I return it to you in the presence of Mr. McDougall, and I want to tell you that, hereafter, if Mr. Bliss has any letters to write, he will first give them to the corporal under whose charge he is, who will then give them to the executive officer, who will hand them to me;" thereby giving me a rebuke for taking this letter to him. He then remarked, pleasantly—not discourteously at all—that he did not know why I had told him that I had advised Mr. Bliss to write the letter. I said, "I told you because I wanted you to know it." I then took the letter and endorsed upon it the facts of the case. Captain Woolsey then said, "You know very well that these men have been under surveillance while on board the *Guerriere*. They are not so now because we are at sea, but they will be put under sentries' charge when we reach Rio." He then told me that these two men, Bliss and Masterman, were scamps and scoundrels, "and that the officers ought to have nothing to do with them; that if I had anything to do with them I would get myself in trouble;" all of which was taken down by Mr. McDougall, and he has record of it now. I said, "Captain Woolsey, it is possible these two men are scamps and scoundrels, but I will not believe it until I have it upon some other and better testimony than that furnished by Lopez and others." We then walked out on the quarter-deck and he advised me not to have anything to do with Mr. Washburn, and told me that if I did I would commit myself; to which I said that an honorable man cannot commit himself.

Q. What did Woolsey mean when he said you might get yourself in trouble if you had anything to do with these two men?—A. He referred, I presume, to the court-martial which the admiral intended to convene. Mr. Washburn's difficulties were the common talk of the naval officers, and I had considerable conversation with some of them about it. I soon saw from their tone that they were all opposed to Mr. Washburn. I was speaking to Captain Ramsay once about the Washburn matter, and he very coolly remarked to me, "Oh, he is a coward for having left these two men behind in Paraguay;" and then turning around to me, he said, "Don't you think so?" I was very anxious to convince these gentlemen, and I said, "Well, if Mr. Washburn has unnecessarily and pusillanimously abandoned any of his legation to Lopez, I think he is; but I am not prepared to condemn Mr. Washburn for what he has done. There is not a particle of evidence to warrant any inference of that kind." He said nothing that I remember. All this occurred before the 1st of October, before we started for Montevideo. This part of my testimony has some bearing on the difficulty between General Webb and Admiral Davis. Between the 1st and 3d of October, Admiral Davis was twice the guest of General Webb, and on the evening of the 3d they parted on the most friendly terms imaginable. I remained with General Webb until Monday morning, and on my way to the ship he accompanied me as far as the consulate. He stopped there and found some dispatches for him; one of them was Mr. Washburn's first letter. After reading it he remarked, "Oh, well, I understand it now;" and he handed it to me to read, and I read it with as much interest as General Webb himself. He then wrote a letter to Admiral Davis, which he asked me to take to him, and say in addition that if he would send his gig for him he would go over and see the admiral. I then took the general's note and Mr. Washburn's letter and hastened on board. The admiral was evidently discomposed on receiving the message, and remarked, "He is coming at an inopportune moment"—referring, no doubt, to the fact that the Admiral and Mrs. Davis were then preparing to visit the Portuguese man-of-war lying near us. We had some conversation together about this matter, and he then said, "This letter of Mr. Washburn's contains internal evidence that Mr. Washburn was so much under the influence of his fears that it could not be depended upon." He said that Mr. Washburn represented the nervous condition of his wife, when probably if he had said that about himself it would have been a little more correct. He then said that he had other evidence about this Paraguay matter; that he had received private notes from Captain Kirkland giving him full information. The admiral then left in his gig for the Portuguese man-of-war, but returned before General Webb arrived. He received the general as cordially as I had ever seen him do before, and took him in his cabin. That evening, between twilight and dark, I was walking with the admiral on the poop-deck, and he referred to the visit General Webb had made, and said that they differed entirely and widely about this matter, but that they had agreed to differ.

Q. At what time was that?—A. That was on the 5th of October.

Q. Before the arrival of General McMahon?—A. Yes, sir. He arrived on the 20th; so that I was very glad that the friendly relations between the general and the admiral were not broken off. I was glad to learn that they agreed to differ. He had made a remark to me before, "that the general was fatiguing to him;" referring, I suppose,

to what he thought to be the general's interference with his affairs. I never did understand that remark thoroughly, but I think it referred to the fact of General Webb's urging (for he had to do so) the admiral to take notice of the dispatches of Captain Kirkland, informing him that the Wasp had not been allowed to pass up the Paraguay by the allies. Admiral Davis had left these dispatches (as General Webb told me afterward) unopened on his table for some time. General Webb was very anxious to have them, so as to make reports to the Brazilian authorities. The general met Admiral Davis a little while afterward and asked him about the dispatches. The admiral said he had not opened them; that they were lying upon his table. The general then spoke up and said: "For God's sake, let me have something upon which I can go to the Brazilian government!" And the only note he did send him at last was a private note, which the general could not use. About this time I met Captain Erben and Captain Ramsay at General Webb's house. Captain Erben was commanding officer of one of the vessels of the squadron, and he was intimate with Captain Ramsey, and was always likely to receive any special squadron intelligence from him. Captain Erben remarked to Mrs. Webb that it was a cowardly transaction in Mr. Washburn to leave two of his legation behind in Paraguay, and that if General Webb had been in Washburn's position it would not have occurred; that he would have fought it out; and to that Mrs. Webb spoke up and said: "Yes, and then probably I would be sent over the Andes barefoot." That was the programme intended for Mrs. Washburn. General Webb then took leave of a guest who was departing, and showed him to the gate, and Captain Erben remarked that these two men did not belong to the legation. As soon as he uttered that, I said: "I will confound Captain Erben out of his own lips, and so effectually that I will wait until General Webb returns, so that he can hear it." General Webb came in, and I said: "I propose to confound Captain Erben here. He says Washburn is a coward for having left two of his legation in Paraguay. I accept his position, and yet, a while afterward, he takes the ground that these two men were not in the legation. I put the question to you, whether or not they do not rebut each other." Captain Erben never said another word. But in his anxiety of proving that Washburn was guilty of too much, he overshot the mark.

Q. What motive did Admiral Davis, or any of the officers of the squadron, have for indulging in this feeling of hostility to Mr. Washburn?—A. I do not know.

Q. Had they ever been brought in contact?—A. I think not.

Q. Had they known the difficulties between Admiral Godon and Washburn?—A. They must have known of them, but that could not have gone very far.

Q. Did not Admiral Davis receive, as a legacy from Admiral Godon, his ill-will toward Washburn?—A. No, sir; not at all. I am inclined to think that that was attempted. I think that Admiral Godon wanted to leave such a legacy, but Admiral Davis would not receive it.

Q. What inference did you draw from the fact that he intended to use these private notes afterward?—A. In an anticipation, I believe, of an investigation, and I have been looking forward to this committee to bring forth these notes. I cannot help the inference that a programme of procedure had been concocted before our squadron went up to Paraguay, and that our going up there was merely an execution of that programme. After Captain Kirkland came on board the Wasp, a lot of Paraguayan tea came on board after him, a present from Mrs. Lynch and Lopez. Quite recently, and after the 27th of April, it was supposed to be necessary to have some communication with General McMahon, and an attempt had already been made by Captain Kirkland, but the allies refused to let him go. This was after they had taken Angostura. Captain Kirkland tried to send a message through to Minister McMahon, but Admiral Davis always refused to have anything to do with it; but afterward, when it was ascertained that Commander Ramsey was conditionally engaged to be married to one of the sisters of McMahon, that condition being that he must have the consent of her brother, then it was that Admiral Davis could find opportunity to communicate with Lopez and with our minister there. They went up and were allowed by the commander of the allied forces to pass through. They saw General McMahon, and saw Lopez and saw Mrs. Lynch. Young Davis, (son of the admiral,) when he came back spoke of having a splendid time, driving in coach and four with Mrs. Lynch, and was particularly delighted with the little arrangements of Mrs. Lynch, when she had some of the prettiest girls in Paraguay to wait on the table, veiled very faintly indeed.

I wish to call attention of the committee to a paragraph in the Buenos Ayres Standard of the 19th December:

"IMPORTANT FROM PARAGUAY—ARRIVAL OF WASP—BLISS AND MASTERMAN PRISONERS.

"Yesterday the River Plate public was treated to the final wind-up of the Washburn business, which reflects as much credit on General McMahon as it does ridicule on his predecessor.

"The two gentlemen of Villeta, about whom there has been so much said and written, and concerning whose terrible fate there was such deep-seated anxiety, are now on

board the United States gunboat *Wasp*, close prisoners, to be forwarded for trial to the States.

"It may be recollected that one of Mr. Bliss's published letters was said to have been written after torture; most people believed Bliss long since dead, and many, we suppose, prayed for the repose of his soul; but 'truth is stranger than fiction;' he is alive and in rude health, on board the *Wasp*, where he and Masterman are detained close prisoners. The following telegram is the very latest respecting the author, the secretary, and as we now hear, the spy:

"*MONTEVIDEO, December 18, 1868.*

"*Wasp arrived.*

"*Bliss and Masterman on board as accused; will be sent to the United States.*

"*General McMahon landed on the 11th instaut.*

"*Wasp left next day.*

"*Reported that — Brazilians were put "hors de combat" on the 6th and 11th. Lopez at Angostura. When Wasp left the number of Paraguayan army ignored; supposed to be greater than reported.*

"*Englishmen command battery at Angostura. All well there on the 11th."*

The *Wasp* arrived at Montevideo on the 18th of December, and the Pawnee arrived in Buenos Ayres on the 19th of December. That statement must have been furnished to the editor of the Buenos Ayres Standard by officers on board the Pawnee. These telegrams were sent from the *Wasp* and were furnished by Captain Kirkland. There was other information furnished to the paper lauding McMahon and throwing ridicule on his predecessor. Now what good does it do for an American naval officer to ridicule an American diplomatic officer?

Q. Who is commander of the Pawnee?—A. Captain Erben.

Then on the 20th the following from the same paper:

"THE WAR IN THE NORTH.—THE PAWNEE WITH DATES TO 13TH.

"The Marcelo Diaz with dates to the 15th.

"Both these steamers have arrived, but they bring very little news of importance beyond the fact that Lopez, instead of having cleared out with 200 men to Luque, is at the head of his army in Angostura; and some American officers who have inspected Angostura report it as a position of great strength which will cost much to take.

"When the American squadron arrived up at Angostura, Admiral Davis dispatched a boat ashore with a peremptory demand for the immediate surrender of Bliss and Masterman.

"Lopez at once complied, sending the two gentlemen of Villeta down to the boat under charge of a guard, and also an invitation to Admiral Davis to come ashore to his encampment. The admiral at once complied, and had a long interview with Lopez, who, we understand, gave the very best proof that both were spies of his during their residence at the legation. General McMahon subsequently went ashore, and was received with all the honors by Lopez when presenting his credentials.

"We hear that the Pawnee has brought very important dispatches for the American minister here, his excellency Mr. Worthington.

"General McMahon remains at Angostura, and has not gone to Asuncion.

"There was nothing known of the whereabouts of Gelly y Obes, supposed to be at Palmas.

"The Paraguayans we hear claim to have taken some pieces of artillery in one of the last fights, but how far this may be we cannot say.

"The Brazil, when passing Angostura, suffered terribly. The battery guns were covered over with hides, until the monitor came within range, then they opened up an awful fire, which shot down captain, officers, and men; they tried to turn the ship or back down, but it was out of the question, and the only hope for the Brazil was to push on as best she could and get above Angostura, where she now lies."

It was impossible for this information to be had except from the officers of the vessel. On the 23d day of January, and after we reached Rio, I met a gentleman in Rio who was a great friend of Bliss, and he wanted to see him. I told him that the rule was that people on shore could not communicate with him, but that he, if he went on board to see the admiral there, might be some relaxation to the rule. He went on board with me and immediately went into the cabin; when he came out he told me he had the admiral's permission to visit Bliss. He also told me that the admiral had said that General Webb had given him an order to go down the river after Mr. Webb, and that, and that alone was the cause of the difficulty between them. I immediately spoke up that it was not true; that it could not be true by any possibility. The next day Mr. Bliss informed me that he had received a letter from the admiral the day before to the following effect: "Sir: You are requested to inform me whether you will take passage on the American packet for New York, and upon reaching there report to Mr. Seward. In-

form me at once whether you will accept this proposition." I was a good deal startled when I saw this and said, "Mr. Bliss, you ought to have told me of that letter before. Mark me, if Admiral Davis does not attempt to make use of that letter to make it appear that he has been treating you and Mr. Masterman in a gentle manner, and if you had told me of that letter before I would have put you on your guard." "But," says I, "if there should be any investigation about this matter, as I hope there will be, and the actual facts are brought out, and they are directly in opposition to that letter, it will put Admiral Davis in contradiction."

[Sunday Chronicle, (Washington,) February 23, 1869.]

"THE PARAGUAYAN TROUBLE.—The Secretary of the Navy yesterday sent to Congress additional correspondence received in regard to the Paraguayan trouble. Letters are inclosed from Messrs. Bliss and Masterman, late members of our legation at Paraguay, who were seized by Lopez and barbarously treated. It seems by the letter of Mr. Masterman that Admiral Davis is not liable to the censure which published accounts have stated he was, for in a letter to the admiral, dated January 23, Mr. Masterman writes :

"I avail myself of this opportunity to thank you most gratefully for the important service you rendered me by delivering me from a cruel captivity, and probably violent death, in Paraguay."

"Mr. Bliss writes that he would accept the admiral's offers to convey him home, and would, as in duty bound, report in person to the State Department."

[New York Weekly Herald, February 20, 1869.]

"Our Rio Janeiro letter is dated December 29. Admiral Davis, with his fleet and the two prisoners, had arrived at Buenos Ayres. He expresses himself satisfied with the explanation made by Lopez, and believes that Washburn, Bliss, and Masterman were all engaged in a conspiracy to overthrow the Paraguayan government. The remnant of Lopez's army was still at Angostura, Luque being at present his seat of government. Minister McMahon was with him. Caxias's army was very much in need of reorganization after the fight at Villeta, and it was rumored that Porto Alegre had been requested to assume the chief command of the army. On the 27th of December a fire broke out in the custom-house in Rio Janeiro, and as no one was permitted to open the doors unless the señor guardiau of the keys was present, the fire gained such headway that before it was extinguished—two persons having, after a long delay, concluded to smash open the doors, notwithstanding the regulations—property was destroyed to the amount of \$250,000."

WITNESS. There is one thing I omitted to mention, and that is, that when the letter of the Spanish admiral was being discussed on the quarter-deck, Captain Wolsey told Bliss that he seemed to consider himself a prisoner on board the ship; that he was not a prisoner; that he was a guest. After the return of the letter which Bliss had written to the father of his fellow prisoner in Buenos Ayres, Captain Wolsey said to me particularly that Masterman had shown a very bad and vindictive spirit on board ship. I did not know what he alluded to. I had not seen anything objectionable in his conduct. I asked Masterman what he had done, but he was ignorant of having done anything to which offense could be taken, except a letter which he wrote to Mr. Stewart, in which he stated that he was treated a little better than he was on the Wasp.

NEW YORK, October 26, 1869.

MARIUS DUVALL recalled and examined.

To Mr. ORTH :

I omitted yesterday to narrate a conversation I had with Captain Ramsay about Mr. Washburn at Rio. He said to me : "What right had Mr. Washburn to report to Mr. Stewart, the British minister to Brazil?" alluding, I suppose, to a letter which Mr. Washburn had written to Mr. Stewart, giving information about matters in Paraguay. I said to Captain Ramsay that perhaps it did not occur to him that Mr. Washburn was doing the public a great benefit by giving information to different nations of the condition of their subjects in Paraguay. Captain Erbin met me one day on the wharf at Rio, and we commenced to talk about Paraguay matters. I think he exhibited some irritation at the argument I had with him at General Webb's house, and he asked me why I had talked so earnestly at that time. I said to him pleasantly that it was merely for the sake of argument; that I was trying to convince him. That seemed to quiet him. I remarked to him that he might depend upon it that the officers of the navy were committing a very grave mistake in running down Mr. Washburn; that in all probability General Grant would be elected to the presidency, and he and E. B. Washburne, his brother, would be influential men in the government, and it would not do to have them opposed to the navy. I merely mention this to show that I was doing all I could to have these men view matters in a different light.

Testimony of Francis M. Ramsay.

NEW YORK, October 26, 1869.

FRANCIS M. RAMSAY sworn and examined.

By Mr. ORTH:

Question. What is your position in the navy?—Answer. I am a commander in the navy; am at present on ordnance duty in the navy yard at Washington.

Q. How long have you been in the navy?—A. I have been in the navy over nineteen years.

Q. What was your position in the navy from September, 1867, to September, 1869?—A. From September, 1867, to June, 1869, I was fleet captain and chief of staff of the South Atlantic squadron, and from June, 1869, until the latter part of July, in addition to this duty, I commanded the United States flag-ship *Guerriere*.

Q. Who was your admiral?—A. Rear-admiral C. H. Davis.

Q. Where were you stationed in October, 1868?—A. On the 28th of October I was on board the flag-ship *Guerriere*. She left Rio Janeiro on that day with General McMahon, United States minister to Paraguay, and on the 3d day of November anchored off Montevideo. On the 7th day of November Admiral Davis transferred his flag to the *Wasp* and took General McMahon to Buenos Ayres. He went there for the purpose of consulting with Minister Worthington and Mr. Washburn, who was there at that time. On the 10th the *Wasp* returned, bringing the admiral, Minister McMahon, and Minister Worthington. On the 17th Minister McMahon left the *Guerriere* and went to Buenos Ayres. On the 19th Admiral Davis again transferred his flag to the *Wasp*, and I went with him. We sailed for Paraguay, and on the 20th stopped at Buenos Ayres for the purpose of taking on board General McMahon. On the 21st we sailed from Buenos Ayres with General McMahon on board, and on the 23d arrived at Rosario del Santa Fé. On the 24th we left Rosario. Having only one pilot, the ship anchored every night and ran all day. On the 30th of November we arrived at Corrientes, stopped there to coal, and on the 1st of December we sailed from there, arriving at Palmas on the 3d. We there communicated with the commanding officers of the Brazilian squadron, and then passed up and anchored off the Paraguayan batteries at Angostura. Commander Kirkland, of the *Wasp*, was sent on shore with a letter to President Lopez. He returned with a message from Lopez, saying that he would be at the Angostura batteries in a short time, and requested that Admiral Davis would come on shore and have an interview with him. The admiral immediately went ashore, accompanied by Commander Kirkland, and had an interview with Lopez. Some correspondence passed afterward between Lopez and Admiral Davis. All of the letters passed under my observation, as I was Admiral Davis's chief-of-staff. These letters have all since been published. The dates I have here given I obtain from a note-book I kept at the time. One of the communications sent by Lopez to Admiral Davis contained a request that the admiral should send one or more naval officers to be present at the tribunal, to witness the verification of the declarations that had been made by Bliss and Masterman. Commander Kirkland and myself were detailed for this purpose.

Q. State all you recollect in reference to that transaction; what time you went there, who were present, and what transpired.—A. At 10 o'clock on the morning of the 8th of December Commander Kirkland and I went on shore. We were furnished with horses, and, accompanied by a lieutenant, went to the headquarters of President Lopez.

Q. How far distant from the batteries?—A. I should judge about six miles. We were received there by two officers; one, I think, was Lopez's military secretary, and the other his son, who, I think, was a major in rank. We paid our respects to the President, and I think it was about mid-day when we went before the tribunals. The persons present were the two judges, Lopez's chief-of-staff, and two officers who spoke English.

Q. Who constituted the tribunal?—A. I supposed that the judges constituted the tribunal, and that these officers were merely present as interpreters, and perhaps as a matter of etiquette toward us.

Q. Did these persons constitute a part of the tribunal?—A. I did not so understand it. After we had been seated in the hut, Bliss was brought in, or rather came in. Commander Kirkland asked him whether he was Mr. Bliss or Mr. Masterman. He answered: "My name is Porter Cornelius Bliss. He was then given a seat on one side of the room. I am not sure whether he was then informed who we were or not; but he was so informed afterward, and before he left the hut.

Q. By whom was he so informed?—A. It was all written at the end of his declaration, which he signed. Our names and rank were written out in full. We were also in our proper uniform, with our swords.

Q. Did you or Captain Kirkland inform him?—A. No, sir.

Q. Was he informed of the object of your visit?—A. No, sir. As soon as Bliss was

seated, one of the officers who spoke English commenced reading the declarations Bliss had made at different times. As each declaration was read he was asked in Spanish if it was correct. He was then shown his signature at the bottom of each and asked if that was his signature, and in each case he answered, "Yes."

Q. Do you speak Spanish?—A. I can understand it. Commander Kirkland understands Spanish as well as he does English, and I referred to him, when anything occurred I could not understand. During the reading, the officer would sometimes hesitate as if he did not understand the word; Bliss would always prompt him and supply him with the necessary word. It occupied considerable time to read Bliss's declarations; I think there were about fourteen of them; some of them were very long. After they were all read, a paper was drawn up and signed by each of the judges, Commander Kirkland and myself as witnesses, and then by Bliss. The paper was simply a certificate that these declarations had been read to Mr. Bliss in our presence; that he had acknowledged that they were all correct; and that he again, in our presence, reiterated the statements.

Q. When you left the vessel by direction of Admiral Davis to go on shore and have this interview, were you aware that you were to proceed to this tribunal and listen to these declarations?—A. I understood my duty was to go to President Lopez's headquarters; that I would then go before the tribunal, and that Mr. Bliss and Mr. Masterman would there be called upon to verify their signatures to these declarations and certify to their correctness, and that my duty was to be present during these proceedings and witness what they did. That was my sole duty. I was simply a witness to their signatures.

Q. Was it your understanding that Bliss and Masterman were criminals, or that you went out there to demand them as American citizens or members of Mr. Washburn's legation?—A. All that I knew about the status of Bliss and Masterman was what I read from the correspondence which Mr. Washburn had had with the Paraguayan government and the letters which Mr. Washburn wrote at different times after he left Paraguay. I knew that Bliss and Masterman were called criminals by President Lopez, because I read all of Lopez's communications, and he always spoke of them as criminals; but their status was something with which I had nothing to do. Commander Kirkland and myself were sent there simply as witnesses of these papers. It was the request of Lopez to Admiral Davis that one or more officers should be present to verify these declarations.

Q. Were you not sent there to protect Bliss and Masterman as American citizens?—A. No, sir; the case as I understood it when I left the ship was that President Lopez intended to give up Bliss and Masterman to Admiral Davis immediately, but that before they left the country he wanted all these declarations verified, and wanted that verification in the presence of a United States officer. That was the way I understood it, and my duty was only to go there and be witness to what they said.

By Mr. WILKINSON:

Q. Did you give these men to understand that they would be protected in telling the truth—in denying these statements; that the government of the United States would protect them if they did so?—A. No, sir; our presence was sufficient guarantee of that.

By Mr. ORTH:

Q. In this connection I wish you would describe Mr. Bliss's personal appearance, his clothing, &c., and likewise the place in the court-room these two men occupied in respect to the judges and the officers constituting the court.—A. When Mr. Bliss came in, the appearance of his face was as much like it is now as it possibly could be. He was perfectly calm and self-possessed and answered every question as coolly as he possibly could at any time. His clothes were very shabby, and his pantaloons were split up a little at the bottom of the legs as if they had been worn a great length of time. He wore a pair of shoes. I noticed they were very good shoes, except that the India-rubber was a little stretched. His clothes looked as if they had been worn a great deal without any care. The tribunal was in a small room; Bliss and Masterman sat on one side of the room; on the opposite side sat the officers I spoke of. At the end of the room was a table and behind the table sat the two judges and the person who read, and opposite them at the other end of the room sat Commander Kirkland and myself.

Q. Did you see Mr. Bliss come in?—A. Yes, sir; he came in alone.

Q. Had you any conversation with him at that time?—A. None whatever.

Q. What insignia of office did these judges or the other officers exhibit?—A. They were all in the uniform of the Paraguayan army and wore their swords. The judges wore a cross; I believe they were both priests.

Q. What part did these judges take in this examination?—A. They merely sat there and administered the oath. Both Bliss and Masterman were sworn. After Bliss's declaration was finished he was allowed to retire, and it was proposed that we should take a short recess. And I suppose it is proper, in this connection, to refer to Mr..

Bliss's statement in regard to myself. While standing outside, talking to these officers, one of whom had been in London and the other in Paris, a boy passed by, wearing a pretty embroidered shirt, which I remarked upon, and asked if that was the work of the country. They told me that it was, and that their women prided themselves on that kind of work. He then sent into the house for some specimens of the work, and a shirt and a towel were brought out. He handed me the towel and said: "Perhaps your countrymen would like to see some specimens of Paraguayan work. Won't you take this?" He then gave me the towel, which I have brought with me, for the purpose of showing it to the committee. I received nothing else. They also brought out some *caña* and cigars, and asked us to partake of them. I neither smoke nor drink, so I did not accept of their invitation. Commander Kirkland, however, did take some; and after a short recess we returned to the hut where the tribunal was held, and Masterman was brought in. While we had been out I saw a person standing beside a tree, with a sentry near him, which I supposed to be Mr. Masterman. As Mr. Masterman came in he had to pass close by my side, and as he passed me he said: "You must forgive me for what I am going to say. I hoped to be spared this shame." Those were his exact words, and I wrote them down as soon after as I could. When he was first sworn he exhibited great fear. His manner was that of a man very much alarmed; and when he took his seat, he twitched and moved about all the time. He seemed very uneasy. After his first declaration had been read, and he certified to its correctness and verified his signature, I said: "Mr. Masterman, do you understand everything that has been read to you there?"

Q. Did you make that remark in the presence of the court and officers?—A. Yes; before everybody. He said, "Yes;" and then one of these Paraguayan officers spoke up and said: "Mr. Masterman wrote part of this in English, and it was translated into Spanish, and he had an interpreter to explain to him all that had been written." Mr. Masterman immediately spoke up, and said: "I understand Spanish very well. I have been speaking it for seven years. I wrote a greater part of the declaration myself." "Then," said I, "Mr. Masterman, I am to understand that all you have stated in your declaration is true; and that is your evidence under oath." To this he stammered out: "Yes; but please don't ask me any questions." One of the officers present then said: "Why don't you want to be asked any questions?" asking him this in Spanish. He said, because "it will take up the time of the court," or words to that effect. So I made no more remarks to him. After he had finished his evidence, as he was going out, he made some remark to Commander Kirkland, the exact words of which I cannot remember; but the sense of it was this: "Are we not going away with you? I understood you came here to take us away." That is the tenor of what he said. It was 8 o'clock in the evening before we got through.

Q. What impression was made upon your mind by these remarks of Mr. Masterman?—A. I will read a note I made in my memorandum-book at the time: "Went to the tribunale and heard declarations of Bliss and Masterman. Am sure Bliss lied, and think Masterman did also."

Q. Then the impression made upon your mind, as I understand from this memorandum, was that Bliss and Masterman were not guilty of the charges they confessed?—A. The reason I said I thought Bliss lied, was because he made reference to things which I knew were not true.

Q. Did you mean by that memorandum that you thought these confessions were extorted from him?—A. I took it for granted that they were. I never saw a man exhibit such fear as Masterman did. We returned to the ship about 9 o'clock.

By Mr. WILKINSON:

Q. Did you make any report to the admiral when you arrived?—A. I told him, as nearly as I could recollect, everything that occurred.

Q. Did you apprise the admiral of the impression made on your mind as to whether those confessions were voluntary or extorted?—A. I am pretty sure I did, because the memorandum was written immediately on getting on board the ship.

Q. What reply did the admiral make to this?—A. I do not remember. Of course, when we got back, the admiral was very anxious to know what had occurred during the day, and I gave him as clear a statement as I could.

Q. Were your orders to bring Bliss and Masterman back with you to the ship?—A. No, sir.

Q. Did you make any suggestion to the admiral in regard to bringing them aboard that night?—A. No, sir.

Q. You left them in the hands of the Paraguayan authorities when you passed from the tribunal to the vessel?—A. Yes, sir; we left them just as we found them.

Q. Did the admiral make any suggestion as to bringing these men upon his vessel when you apprised him that you regarded these confessions as the effect of compulsion?—A. I understood before I left the vessel in the morning that Bliss and Masterman would be delivered up to Admiral Davis as soon as an officer was sent to verify the declarations.

Q. Still, you went away from the tribunal without bringing them on board?—A. Yes, sir. President Lopez had informed Admiral Davis that he would deliver them on board of the Wasp as soon as their declarations had been verified.

Q. Did you request their deliverance up to you?—A. No, sir. It would not have been proper. Their delivery had already been arranged in official correspondence.

Q. Then from what you and Captain Kirkland heard, you had no reason to believe that they would be delivered up?—A. Yes, sir; I expected they would be delivered up, from what I knew.

Q. Did you expect they would be delivered up when you started?—A. No, sir; I did not expect they would be delivered up to me. I should have declined to receive them.

Q. Why so?—A. Because I had no guard or American flag with me. I could not have received them at all, unless they were delivered to me in my boat on the river. Moreover, the question of their delivery had been already settled. They were to be delivered on board the Wasp. I had been sent to perform a specific duty.

Q. Let me state a hypothetical case: Suppose you found in some barren country an American citizen deprived of his liberty, unjustly accused of crime, would you not feel it your duty, as a naval officer, to obtain his release, even if you had not the means to comply with all the rules of etiquette pertaining to the navy; for instance, if you had not an American flag, would you not endeavor to rescue him?—A. It would depend entirely upon how I was placed. I would allow no mere question of etiquette to interfere with the proper performance of my duty. It would be absurd for a subordinate officer, sent on special duty, in a case fully understood by his superior, six miles from his vessel, and in a military camp, to attempt to rescue a prisoner for whose release certain arrangements had already been made.

Q. When were Bliss and Masterman put on board the ship?—A. About 11 o'clock on the 10th of December.

Q. Who received them when they arrived?—A. I do not remember what officer received them. I was in my state-room at the time. It was no part of my duty to receive them.

Q. When did you first see them after they reached the vessel?—A. I saw them walking about the deck the next morning.

Q. What do you know as to their having been received and held as prisoners?—A. I know nothing as to what occurred at the time of their reception. I know from being told, not from my own observation, that a sentinel was placed over them the first night they came on board. I had nothing to do with the command of the Wasp.

Q. How were they regarded on the Wasp from the time you left Angostura until you reached Montevideo; as prisoners, or freemen?—A. So far as I know, they had perfect liberty to go about the vessel.

Q. All over the vessel?—A. All over the vessel where men are allowed to go. They lived forward with the men.

Q. How was it when you arrived at Montevideo?—A. I remember most distinctly that I suggested to Admiral Davis that the request of President Lopez could only be carried out by keeping them under sentinel's charge. President Lopez expressly asked that they should not be allowed to communicate with his enemies.

Q. Then Admiral Davis complied with the request of Lopez, that they should be kept under guard?—A. President Lopez made no such request of Admiral Davis that I am aware of.

Q. Then you did not regard them as freemen?—A. They were freemen, except that they could not go on shore or give information about President Lopez, which they both seemed very anxious to do. I thought they had too much liberty.

Q. And you thought this confession of Bliss and Masterman was extorted, and that they were innocent men?—A. No, sir; I did not say that they were innocent, but I thought the confessions were extorted. I never saw a man more frightened than Mr. Masterman, and I never saw a man more cool than Bliss; and I knew Bliss did not tell the truth, because he made statements that I knew were not true.

By Mr. WILLARD:

Q. Did you suppose that Bliss and Masterman were making this confession for the purpose of saving their lives and getting away from Paraguay?—A. No, sir; that never entered my head.

By Mr. SWANN:

Q. Had you any knowledge of these two gentlemen—of their personal history and their connection with the Paraguayan government?—A. I had heard of Mr. Bliss; I had never heard of Mr. Masterman. I heard of Mr. Bliss having been employed by General Webb.

Q. In this official letter you speak of from President Lopez, did he make any stipulation that they were not to communicate with anybody on shore?—A. My impression is that it was a request merely. The letter is on file in the department.

Q. You were under the impression that they were delivered up as a matter of courtesy to the United States, and not because Lopez believed them to be innocent?—A. My impression was that Bliss and Masterman were regarded as criminals in Paraguay, but that President Lopez, on account of his friendship to the United States and the request of Admiral Davis, was willing to give them up and trust to the United States for any punishment that might be necessary. Lopez always styled them in his letters as criminals.

By Mr. ORTH :

Q. At what time were these persons transferred from the Wasp to the Guerriere?—A. On the 18th of December the Wasp arrived in Montevideo, and a little while afterward they were transferred to the Guerriere. I would like to make a remark in regard to the statements in Mr. Bliss's memorial to the government. He says: "The head torturer, who sat directly opposite to me sword in hand." That is not true. No one sat there sword in hand. Every person present had a sword, and for a matter of convenience the officers sat with their swords between their legs.

Q. Was the sword in the scabbard?—A. Yes, sir. Mr. Bliss further states, "the torturer and other persons adding their own signatures." The only persons who signed the papers were the two judges, Commander Kirkland, and myself.

Q. Who was the chief torturer?—A. I do not know the man they called the chief torturer. Some say it was one of the judges, some say it was others. Bliss says further on, "Not a word was said to me by these officers, except to ask my name in a rude manner, and to say, 'speak in English,' when I recognized my signature for the first time." Commander Kirkland said to him as he came in, "Are you Mr. Bliss or Mr. Masterman?" There was no rudeness in the manner of asking the question; if there was any rudeness at all it was on the part of Mr. Bliss, in the way he answered. When he verified his statements Commander Kirkland said to him, in ordinary tone of voice, "Say that in English." Mr. Bliss goes on further to state, in regard to his letters, that they were "all under the censorship of Admiral Davis, who opened letters sent to me, and suppressed correspondence to and from me." All the letters that I know of that came for Mr. Bliss came enclosed to Admiral Davis. They were all open, not sealed at all. I know this because I was the admiral's chief-of-staff, and was his medium of communication to the captain of the ship, and all the letters that came to Admiral Davis or Captain Wolsey for Mr. Bliss passed through my hands.

By Mr. WILKINSON :

Q. Did you hear of a letter being sent from Captain Hill, an officer in the Paraguayan army, to Mr. Bliss, sent to him December 30th, and kept back until January 8th?—A. I do not remember anything of it. I know perfectly well that such a thing was never done by Admiral Davis as to open a letter that was sealed.

Q. If such a letter had been sent would it go through your hands?—A. It would go through either my hands or Captain Wolsey's. We lived together in a small cabin, and every paper that had any connection with Bliss or Masterman was either handed to me by him, or to him by me; it depended upon whichever way it was going. Mr. Bliss further states: "Meanwhile calumnious imputations were published in the newspapers concerning me, proceeding from officers of the United States squadron, which I was not allowed to refute, and extracts were published from my extorted depositions which had been furnished by Lopez to the officers of the expedition." The only persons who saw President Lopez were Admiral Davis, Commander Kirkland, and myself, and all the correspondence passed through my hands. I received every letter that came from President Lopez, and kept it in my possession, and I wrote every letter that went to him, and there were no extracts in any of those letters from any depositions. A sealed package of papers addressed to the Secretary of State came on board the Wasp with Bliss and Masterman. This package came to me sealed as it came to the admiral, and was kept by me under lock and key until I put it in the department mail bag.

Q. Did you or Captain Kirkland have a copy of those declarations read by Bliss and Masterman?—A. No, sir; Mr. Bliss may have made requests to refute articles in the papers, but if he did it was very strange that I should not have heard it, because Captain Wolsey came to me about every matter that occurred in regard to Bliss and Masterman. Bliss goes on, "I also abstain from alluding to the conduct of Minister McMahon after landing at Angostura." Mr. Bliss knows nothing about the conduct of Minister McMahon after he landed at Angostura, because the Wasp sailed within an hour after Minister McMahon landed. I was the last person to talk to him then, and I was the first person outside of Paraguay to communicate with him afterward, so that Mr. Bliss had no means of knowing, in any way, anything that Minister McMahon did. This letter of Bliss's was written after Minister McMahon's landing at Angostura and before I communicated with him in May last. Mr. Bliss also states that he "does not comment on the conduct of Admiral Davis in delaying so long the departure of the South Atlantic squadron for Paraguay." If Mr. Bliss was in Paraguay up to the time the Wasp came up there, he knows nothing about what occurred in the squadron be-

fore that time. Mr. Masterman says in his statement, "but as the interpreters sat one on each side of me." This is untrue, for the interpreters sat on the opposite side of the room and I sat between the interpreters and Mr. Masterman. He further states, "Aveiro, who sat facing me with a sword in his hand," &c. That is not true. The sword was in the scabbard. He may have held it in his hand to rest on it.

Q. How near did he sit to Masterman?—A. He sat as far from him as the size of the room would permit. The room was about fourteen feet square. While the depositions were being read Bliss and Masterman sat on one side of the room and the Paraguayan officers on the other. Commander Kirkland and myself were the nearest persons to them. These gentlemen have taken on themselves to mention about the presents the officers received. That small towel was the only present received, and that was given to me. Nothing was even given us to eat, and I was from 8 o'clock in the morning until 9 o'clock at night without even a mouthful of water. This *caña* and cigars were set before us, but I did not touch either.

Q. How long after Masterman and Bliss came on board the Wasp did Minister McMahon leave that vessel?—A. They came on board at 11 o'clock on the night of the 10th, and Minister McMahon was to have landed at 1 o'clock the next day. But the Brazilian iron-clads came up and attacked the batteries at Angostura, and we were obliged to drop out of the way and remain until the next day, when we returned, and at 3 p. m. General McMahon was landed.

Q. Do you know of any request made by Mr. Bliss for the purpose of having an interview with Minister McMahon prior to his landing?—A. No, sir. I heard him say something about talking with these men; but I think it was determined he had better not.

Q. By whom was it determined?—A. That is hard to say. Admiral Davis, Minister McMahon, Commander Kirkland, and myself all lived together, and we talked these matters over together.

Q. It was the result of conference?—A. Yes, sir.

Q. Then there was a request made for an interview?—A. I cannot recollect now. I might not know it.

Q. Would the commander of the ship communicate directly with Minister McMahon?—A. Yes, sir; the captain would make it direct to Minister McMahon, and it would not come through me.

Q. State to the committee what consultations were had between Minister McMahon, Admiral Davis, Captain Kirkland, and yourself, in regard to the propriety of Bliss and Masterman having an interview with Minister McMahon.—A. I have only a slight recollection that something was said about it. I cannot remember the circumstances.

Q. The propriety of it was discussed?—A. I cannot even say that. It was discussed at the time. I knew what my opinion of it was.

Q. Did you give your opinion at the time?—A. I do not remember.

Q. Did you hear any other person present give any opinion as to the propriety of granting the request?—A. It made very little impression on my mind. It was an ordinary conversation. If I gave any opinion, it was that Minister McMahon should have nothing to do with them.

Q. Do you know of any request that was made by Bliss or Masterman to have an interview with Admiral Davis?—A. There were several requests on board the Guerriere.

Q. Any on board the Wasp?—A. I do not know.

Q. Do you know of any interview between Admiral Davis and Bliss or Masterman, on board the Wasp?—A. No, sir.

Q. Or on board the Guerriere?—A. Admiral Davis had several interviews on board the Guerriere with Mr. Masterman.

Q. Did he have any with Mr. Bliss?—A. I heard that he did. I did not see any.

Q. Do you know if any difference was made between the treatment of Bliss and of Masterman while on board the Wasp or Guerriere; whether one was allowed more freedom than the other?—A. They both lived in the same mess on board the Guerriere—the warrant officers' mess. On board the Wasp they lived forward, with the men. Masterman objected very much to having a non-commissioned officer of the marines over him, and he applied to the admiral to have him removed.

Q. Where was that?—A. On board the Guerriere.

Q. While you were still in port?—A. Yes, sir; at Montevideo; and he gave his parole that if the surveillance were removed he would not communicate or attempt to communicate with anybody on shore without permission.

Q. Then it was removed as far as Masterman was concerned?—A. Yes, sir.

Q. Was it removed so far as Bliss was concerned?—A. I am not able to state. It was not removed at the same time.

Q. Did you understand that Masterman was a British subject when you first landed at Villeta; or did you regard him as an American citizen?—A. I regarded him as a British subject, although called by Mr. Washburn an attaché of his legation.

Q. Was Admiral Davis apprised of the contemplated arrival of Minister McMahon at Rio, before he left there?—A. Yes, sir.

Q. Did he express any unwillingness or hesitation to forward Minister McMahon to his point of destination?—A. On the contrary, he offered to forward him there, and also to accompany him himself. He offered him every facility.

Q. Did Minister McMahon take up his quarters on the *Guerriere* prior to her sailing for Montevideo?—A. No, sir; he came on board but an hour or two before she sailed. He came on board at 11 o'clock, and she sailed at 3 o'clock of the same day.

Q. You stated a while ago that you paid a second visit to Paraguay, I think in May, subsequent to the release.—Yes, sir.

Q. Was it an official visit?—A. Yes, sir.

Q. What was the purport of it?—A. To carry dispatches to Minister McMahon, and ascertain where he was. He had not been heard from since he left us at Angostura. Efforts had been made to communicate with him, but to no effect, as the allies would not allow a flag of truce to pass.

Q. Were your dispatches from the Department of State?—A. Yes, sir. They had been collecting from the time he went into Paraguay up to that time.

Q. How did you go up to Paraguay?—A. I went up in a passenger ship. The Argentine government gave permission for a flag of truce to go with dispatches to Minister McMahon.

Q. Did anybody accompany you?—A. Only Lieutenant Davis, son of the admiral. He went because he was a good French scholar and had better knowledge of Spanish than myself. His orders were to accompany me as interpreter.

By Mr. SWANN:

Q. You stated a little while ago that you would have nothing to do with these men, Bliss and Masterman; that if you were in Admiral Davis's place you would not grant them so much liberty. You seemed to be unfavorably impressed in regard to these men. Will you state the cause of those impressions?—A. I was very unfavorably impressed with the statements which I understood Bliss had made in those confessions, especially some statements he made against Commander Kirkland. Then I had heard of Mr. Bliss before. I knew nothing of my own knowledge about him.

Q. Where had you heard of him?—A. I had heard of him on the station, as soon as his name came up in connection with this affair.

Q. Had you heard anything to his disadvantage?—A. Yes.

Q. Did that information come from reliable sources?—A. It was one of those rumors flying about. I could not even say who it was that gave me the information. Bliss seemed to be very well known by people along the river.

Q. Men of respectability?—A. Yes, sir.

Q. What was the character of this charge?—A. It was general rumor. One story was that he had been in General Webb's employ as a tutor, and that General Webb discharged him for fear he would contaminate his children; that he was not a proper character to be associated with young persons.

Q. That induced you to make that remark that you would have nothing to do with him?—A. That was one of the things. Then his manner and conduct before the tribunal was such that it gave me the impression that he was perfectly well aware of what he was doing. He went into Mr. Washburn's private character. He was not satisfied to speak of his official character, but spoke of what he had done before he went to Paraguay, and alluded to Mrs. Washburn.

By Mr. WILKINSON:

Q. Did it occur to you that when that confession was made, these untruths were stated in such a way as to carry along with them a refutation of the whole thing—that the facts were so clearly untrue, that those who knew the circumstances would not believe it?—A. I supposed that it was made for an object.

Q. Were you not aware before you went to Paraguay that Lopez was in the habit of resorting to torture to compel his prisoners to confess?—A. I heard that through Mr. Washburn.

Q. You heard that previous to going there?—A. Yes, sir.

Q. Was there any effort made by any of the officers, or by Minister McMahon, to ascertain the real condition of things relative to the capture and imprisonment of these two men?—A. Not by any of the officers that I know of. General McMahon had no communication with Lopez until after Bliss and Masterman were delivered on board the *Wasp*.

Q. Did any of the officers ask Bliss and Masterman as to the condition of things in Paraguay after they got on board the vessel?—A. That I do not know. I frequently saw them talking with officers of the ship.

Q. Did you ever see Admiral Davis confer with them?—A. I have with Mr. Masterman. Admiral Davis told me that the first request Mr. Masterman made was not to be

placed on the same footing with Mr. Bliss; that he thought it was derogatory to him to be placed on the same footing with him.

Q. When you went to the tribunal you was prejudiced against Mr. Bliss from what you heard?—A. I had a very unfavorable impression of him. Mr. Masterman I knew nothing about.

Q. Did you not know that Mr. Washburn, the former minister there, regarded these men as innocent of the charges that Lopez made against them?—A. I had read Mr. Washburn's letter to Mr. Stewart.

Q. What did you understand as the reason why you and Captain Kirkland should go out there and listen to the confession; what was that for?—A. It was the request of Lopez.

Q. But why did he want you to come out in the midst of his army and listen to this confession?—A. My idea was that he intended to send these declarations to the government at Washington, and their correctness having been certified to by Mr. Bliss and Mr. Masterman, in the presence of two American officers, it would rather add to their official character and give them force.

Q. Had you any idea that any good could be accomplished when you were in the midst of his army, with no force with you?—A. I do not think my being there gave any strength to them one way or the other. I was sent there simply in accordance with that letter, to be a witness—not to question the correctness of them, or anything of that kind. I was simply a witness.

By Mr. SWANN:

Q. As to whether or not these parties had signed these papers freely and not under compulsion, so far as your observation extended, and admitted their signatures to be true?—A. Yes, sir; as I understood it; these declarations which they had made at different times were to be read to them in our presence, and they were to swear to their correctness before us. We were simply two additional witnesses.

By Mr. WILKINSON:

Q. Did not that very fact convey to your mind that there was something wrong—that if these confessions were voluntary they could just as well be made on board the Wasp—that it was not necessary for you to go into the interior, surrounded by Lopez's army?—A. As I understood, Bliss and Masterman had been both formerly in Lopez's employ—Masterman as surgeon in the army and Bliss in some other capacity; that during the time they were in the employ of Lopez they committed some offenses against the laws of Paraguay.

Q. Did you suppose they were to answer for these charges in this country?—A. I understood that they were to answer before the tribunals of Paraguay.

Q. I ask you again whether or not it occurred to you that there was something wrong in Lopez wanting you to go in the midst of his army and witness this confession, and get your certificate that it was a voluntary one; that if it was a voluntary one, it could as well have been made on the Wasp?—A. I suppose they could as well be made on the Wasp; but these charges had been made before the judges, and I looked upon it as being a mere matter of form. I did not consider it a matter of importance, one way or the other.

Q. You understood the Lopez courts had resort to torture in order to extort confession out of persons?—A. I only know through Mr. Washburn's communication. I knew nothing else about it. I had not the least idea when I went there whether anything had been done to Bliss or Masterman or not. I learned on a subsequent visit to Paraguay, from foreigners, that neither one nor the other had been tortured.

Q. You learned that from one of Lopez's officers?—A. No, sir. It was from Englishmen. One of them was a surgeon in Lopez's army. His name was Skinner.

Q. Why did not Lopez allow two other Englishmen, both engineers, to leave the country?—A. He owed them both money, I believe.

Q. Don't you know, as part of the history of the country, that Lopez would not let these men go?—A. He would not if he could prevent them; but he would not resort to strong measures against them. These men were both fine engineers, and they refused all the time, so I was told, to serve in his army.

Q. Could they have left the country with you, at the time you saw them?—A. I don't suppose they could. They asked me to say to their minister they wanted to get away.

Q. Was that said in the presence of any officer of Lopez?—A. In the presence of Dr. Skinner.

By Mr. ORTH:

Q. You say that you would have nothing to do with these men. Don't you think it was the duty of our government and its officers to inquire into the real condition of these men relative to their treatment; Mr. Bliss being an American citizen, don't you think it was the duty of Admiral Davis to make inquiry as to the manner these men were

treated?—A. Yes, sir; I think it was. But before the arrival of the *Wasp* in Paraguay this whole matter had, as I understood it, been referred to the government at Washington; and when Mr. Bliss and Mr. Masterman were sent on board there was a very large package of dispatches came on board, addressed to the Secretary of State.

Q. These dispatches were from Lopez?—A. Yes, sir; and as Lopez had referred the entire case to the government at Washington, and was willing to allow it to rest there, I did not think it was our business to interfere with it.

Q. Suppose you were in Europe, and an American citizen there complained of being ill-treated by some foreign government, don't you think it would be your duty, as an American naval officer, stationed there, to inquire into all the circumstances of the case?—A. If there was no civil representative there, such as minister, consul, or chargé d'affaires, or the case had not been referred to Washington, I would investigate it.

Q. Even if it had been referred to Washington, would you not have felt it your duty to investigate the case?—A. I think it my duty, on all occasions, to get all the information I can for the government. This case of Bliss and Masterman was a very peculiar one. I had listened to their declarations, and the impression left on my mind was, that so far as I was concerned, I had better have nothing to do with the matter.

Q. Don't you think it was your duty to have informed Admiral Davis of all the circumstances that fell under your observation when you were before the tribunal?—A. I did so inform him.

Q. If you had been the superior officer there, would you not have felt it your duty to have inquired into the facts a little further after these men were released?—A. The case, as it stood when these men were delivered on board the *Wasp*, was just this: President Lopez had made his statement of the case to the Secretary of State, Mr. Seward, and Bliss and Masterman were under the protection of Admiral Davis, to be sent at the earliest convenience to the United States, there to report to Secretary Seward. They could then tell their case very much better than Admiral Davis could write about it. Minister McMahon was also going into the country, and could there get all the information necessary.

Q. Is it the usual policy of naval officers, when an American citizen has been held in captivity by a foreign government, and his release demanded by the United States, to keep him a prisoner on the American vessel after he is surrendered?—A. If it was a case in which I was called upon to act, I should inform myself fully in regard to all the circumstances of the case. If it was a case in which I was not required to act, I should not think it necessary for me to make these inquiries. In this case, as well as I can understand, all the action that was required was taken. Mr. Bliss and Mr. Masterman were demanded from President Lopez unconditionally. Admiral Davis expressly stated that it was not his place either to discuss or define their position; that he simply came there to demand that these men should be released, and the whole case then referred to the government at Washington.

Q. Do you understand that they were delivered up unconditionally?—A. Certainly, they were delivered up unconditionally. The only request made was, that they should not communicate with the enemies of Paraguay. This was merely a request—not a condition. Otherwise, they might go on shore and give a good deal of information.

Q. Do you think that these acts of courtesy were due from our naval officers to Lopez, after the treatment he had extended to our minister?—A. If I answer that question, I must give my opinion as to Mr. Washburn's conduct. I do not think that Mr. Washburn conducted himself as an American minister should have done. He had two persons in his legation whom he called attachés—Bliss and Masterman. He was informed that he could have his passports whenever he wanted them, but that Bliss and Masterman could not. He knew that when he hauled down the American flag from his legation these persons would be arrested; but so long as he staid there they would be protected. But still, knowing this, he hauled down his flag. He abandoned these two attachés (as he called them) to the Paraguayan soldiers, and left the country. Such conduct on the part of an American minister I cannot approve.

Q. How do you know that Mr. Washburn would have been safe, had he remained?—A. I only know that Mr. Washburn was the representative of the United States of America accredited to the government of Paraguay, and there was no danger for any representative of a foreign government. He could have remained there with perfect safety. I felt humiliated when I read Mr. Washburn's letters.

Q. Do you know that Lopez charged Mr. Washburn with being implicated in the same crime for which he arrested Bliss and Masterman?—A. I only know what Washburn says himself. I think that as long as Mr. Washburn was the representative of the American government, and kept his legation open, he would have been perfectly safe.

Q. Suppose they had broken up all intercourse?—A. His passports would then have been handed him.

Q. What protection would he then have had?—A. He would have been safe to the advanced posts of that country. His passports would have passed him through.

Q. Are you aware that Bliss and Masterman, knowing all the circumstances, advised

Mr. Washburn to take the course he did take?—A. I read that in the letter of Mr. Washburn.

Q. Had you any reason to doubt it?—A. No, sir.

Q. Are you not aware that Rodriguez, secretary of the legation of Uruguay, duly accredited to Lopez, was kept in the country after relations were suspended, was arrested, tortured, and executed by Lopez; and that if he did it in one case he would do it in another?—A. I know nothing about the case. I do not believe all these stories. I have dined with one of the men after it was reported that Lopez tortured and killed him.

Q. Who was this person?—A. Caminos.

Q. What evidence had you seen of his death prior to that time?—A. The same as in every other case. It was published in the newspapers as among the barbarities of Lopez. It was published in the papers that Lopez had killed his mother. It was stated on three different occasions. It was afterward reported that she had committed suicide, having become horrified by Lopez's torture of her sons. Yet she was living when I was in Paraguay.

Q. Do you believe, from these false reports, that Lopez never tortures his prisoners?—A. No, sir; I believe that he does torture his prisoners.

Q. Why do you believe it?—A. I believe it from the fact that I was told so at his headquarters. I do not mean to say that I do not believe any of these stories about Lopez. I mean to say that he has not been guilty of one-half the barbarities that he is accused of.

By Mr. SWANN:

Q. Was any effort made upon your return to Montevideo to communicate with Bliss and Masterman by outside parties?—A. Yes, sir. Early one morning an American dentist, living in Montevideo, named Dr. Bourse, came on board, bringing with him a Paraguayan named Don Carlos Saguier, and a known enemy of Lopez. Bourse said to me: "Mr. Saguier has come on board with a desire to see Mr. Bliss. He thinks that Bliss has been made a tool of by Lopez, and he wants to see and talk with him." I said: "I shall let the admiral know your request, but I do not think he will allow any communication with Mr. Bliss." I did see the admiral, and he declined to let him see Mr. Bliss. The admiral was not then up, as it was a very early hour in the morning, and I told the gentlemen if they waited they could see the admiral himself, but they declined, saying they had an engagement on shore. Mr. Worthington, minister to the Argentine Confederation, came on board at the same time, and I supposed at first they came together, but he told me they came on their own responsibility. Mr. Worthington came down from Buenos Ayres to get all the information he could from the admiral about Paraguay matters. He sent for Bliss and Masterman, had them in the cabin a long time, and had a long conversation with them.

Q. Was that the only attempt made to communicate with Bliss and Masterman?—A. That was the only one in Montevideo that I know about. They were allowed to communicate with the officers of the ship at any and all times. I know that Mr. Bliss was closeted for hours every day with Surgeon Duvall. I know this from Carpenter Mager, of the *Guerriere*, who complained of his room being used in this way. My answer was, that it was none of my business.

Q. Did you know Dr. Duvall?—A. He was surgeon of the fleet and surgeon of the *Guerriere*.

Q. Do you know anything of a misunderstanding between Dr. Duvall and Admiral Davis?—A. Dr. Duvall was tried by court-martial for overstaying his leave a week and for writing a communication to the commander-in-chief, in which he made a false statement.

Q. What was the finding of the court?—A. The finding of the court was that he had overstayed his leave one week and he had written a communication to the commander-in-chief, in which he had made a false statement; but the court acquitted him of the charges. Admiral Davis issued an order on the subject, which was approved by the Navy Department.

Q. What was the cause of all these troubles and difficulties in the South Atlantic squadron; are they usual in the navy?—A. So far as Dr. Duvall is concerned, he has made trouble wherever he has been.

By Mr. ORTH:

Q. I have been requested by Mr. Bliss to propound the following question: "Would it have been safe for Mr. Bliss not to ratify his confessions?" referring, doubtless, to the time when you were before the tribunal.—A. I do not see why not.

Q. There is another question he desires me to ask: "Did you ever see published in Buenos Ayres a portion of the document sent to the State Department?"—A. I never did.

Q. Do you know anything of a letter addressed to Mr. Bliss by the commander of the Spanish squadron?—A. I never heard of it.

Q. None was received by you or by Admiral Davis to your knowledge?—A. No, sir.
 Q. Could these dispatches which you took up to Minister McMahon on your second trip have been sent as well by flag of truce?—A. The dispatches could have been sent, but my instructions were to deliver them to General McMahon in person, and get an answer from him, as the department wanted information from him.

Q. Were you sent at the expense of the government?—A. Yes, sir.

Q. You say that Dr. Skinner told you that Bliss and Masterman were not tortured; what means had he of knowing about it?—A. I do not know. He was chief surgeon of Lopez's army.

Q. Do you believe that there was ever an organized conspiracy in Paraguay for the overthrow of the Lopez government in which Washburn, Bliss, and Masterman, or any other person, was engaged?—A. My only positive information on that point comes from Commander Kirkland, that Mrs. Washburn, wife of Minister Washburn, had stated to him in his cabin, in the presence of another gentleman, that there was a conspiracy. I have no personal knowledge of it.

Q. What is your belief in regard to the conspiracy, so far as you have heard?—A. I do not know that I have any belief on that point.

Q. What grounds had you for believing that Bliss and Masterman were accused of crimes before their connection with the American legation at Asuncion?—A. I have no positive information. It was my understanding that they were. I understood there was an affidavit on file in the British consul's office, either at Buenos Ayres or Montevideo, I do not remember which, accusing Masterman of opening letters that did not belong to him.

Q. Who did you hear that from?—A. I heard that from Admiral Davis, who was informed by one of the British consuls.

Q. Is that towel the only present you got from Lopez?—A. I got no present from Lopez. That towel was given by one of the judges.

Q. Did you get any present from Mrs. Lynch?—A. She gave me, when I was there on the 16th of May, a small ring, of work peculiar to the country.

Testimony of Rear-Admiral C. H. Davis.

NEW YORK, October 27, 1869.

CHARLES H. DAVIS sworn and examined.

By Mr. ORTH:

Question. What is your occupation?—Answer. I am rear-admiral in the navy.

Q. How long have you been connected with the navy?—A. Forty-six years.

Q. What was your command during the years 1867, 1868, and 1869?—A. I was in command of the South Atlantic squadron.

Q. Where were your headquarters?—A. Our coal depot and storehouses were at Rio.

Q. Did you hear of the troubles in Paraguay when you were stationed at Rio?—A. Yes, sir.

Q. Were you instructed by the Navy Department to proceed to Paraguay?—A. Yes, sir; but I did not receive the instructions until after I had been there and returned. I had executed these instructions in anticipation. The course I pursued was in strict accordance with those instructions in every respect, with one exception, and that was that I had conducted the correspondence instead of Minister McMahon.

Q. Were you aware of General McMahon's contemplated arrival in Rio before you left?—A. Yes, sir; and I so reported to the department in an official letter.

Q. Did General McMahon on his arrival at Rio go on board your vessel upon your invitation or at his request?—A. By my invitation. I invited him to go down the river with me, after having conferred with him upon Paraguayan matters.

Q. He was not detained at Rio any length of time?—A. A few days only.

Q. Where did you go from Rio?—A. We went to Montevideo, in the Guerriere, and then up to Buenos Ayres, and up the river to Paraguay.

Q. How far up did you ascend the river?—A. Up to Angostura.

Q. Did you meet with any delay or opposition on the part of the allies?—A. None on that occasion.

Q. Had you asked their permission?—A. I had received the consent of the Buenos Ayrean government and the Uruguayan government, but I think not of the Brazilian government, although the Brazilian plenipotentiary at Buenos Ayres had signified his willingness to General McMahon that we should go up.

Q. When did you receive the first official notice of the imprisonment of Bliss and Masterman?—A. I must have received the first information from a letter of Mr. Wash-

burn to Mr. Stewart, British minister at Buenos Ayres. I then learned, for the first time, of their imprisonment.

Q. You determined *then* to proceed to Paraguay and effect their release, without awaiting instructions from the home department?—A. Yes, sir; I waited, however, for our minister to arrive.

Q. Did he bring instructions?—A. No, sir; but I considered it his business. He, as minister to Paraguay, had a right to be consulted, and, indeed, to take direction, and that was the intention of the government, as he was specially instructed to act in co-operation with me, and I in co-operation with him.

Q. Did General McMahon inform you of these instructions when he arrived in Rio?—A. No, sir; I did not receive those instructions until my return from Paraguay.

Q. In what light did you consider Bliss and Masterman—in the light of prisoners or otherwise?—A. I got my idea of their status from Mr. Washburn's correspondence, and from interviews with Mr. Washburn at Buenos Ayres.

Q. Did that interview result in confirming your original impressions?—A. He expressed the same views as he had in his letters to Mr. Stewart.

Q. Laboring under that impression you proceeded up the Paraguay?—A. Yes, sir.

Q. Was that impression changed prior to your reaching Asuncion?—A. No, sir; the course I took had been determined upon before I arrived in the La Plata.

Q. I find in these instructions, the execution of which you say you had anticipated, the following language. It is on page 117 of Executive Document No. 5. After reciting that it is unusual for naval officers to receive instructions from the State Department, Mr. Welles says: "But Mr. Seward writes me 'that the situation thus presented seems to me so critical that I have thought it my duty to advise the President that the rear-admiral should be instructed to proceed with an adequate force at once to Paraguay, and take such measures as may be found necessary to prevent violence to the lives and property of American citizens there, and in the exercise of a sound discretion to demand and obtain prompt redress for any extreme insult or violence that may have been arbitrarily committed,'" &c. I understand you to say that you had anticipated these instructions and pursued what you found subsequently were therein set forth?—A. Yes, sir.

Q. I wish you would look at this letter of yourself to Lopez, dated December 3, 1863, printed on page 89 of Executive Document 79, forty-first Congress, and state what answer you received to it?—A. That was followed by a personal interview.

Q. State what transpired in that interview.—A. The interview occurred on the evening of the 3d of December. I will read my report to the department on the subject. (This report is found on page 88 of Executive Document 79.)

Q. Did you in that interview receive a different impression in reference to the character of Bliss and Masterman than that which you entertained in the river La Plata, prior to going up the Paraguay?—A. I do not recollect that the character of Bliss and Masterman was the subject of conversation.

Q. I mean their character as American citizens?—A. I regarded them exactly in the light in which they were placed in Mr. Washburn's correspondence.

Q. Was the result of this interview with Lopez such as to change your opinion?—A. No, sir; I neither formed or could form any conclusive opinion as to whether they were criminals. My idea of their status was derived entirely from Mr. Washburn's correspondence. My mode of extricating them from that difficulty was also derived from the same source.

Q. Were your ideas changed by that interview with Lopez?—A. No, sir.

Q. After that interview with Lopez you still determined to demand and obtain prompt redress?—A. I meant to get the men if I could, so far as that could be called redress.

Q. Did you construe the language of Mr. Seward to demand and obtain prompt redress to mean only "to obtain their liberation"?—A. The course to be pursued was left to my discretion, in connection with General McMahon, and these men were represented by Mr. Washburn to be in danger of their lives and suffering torture, and, as he over and over again said, would be probably dead before I got there.

Q. In that interview with Lopez did he characterize them as criminals?—A. Yes, sir; he talked of them as criminals as he did in his correspondence.

Q. After that interview you wrote the letter marked B, on page 90 of Executive Document 79?—A. Yes, sir.

Q. To which you received the reply marked C, in the same document?—A. Yes, sir.

Q. At what time did you send Captain Kirkland and Captain Ramsay to have an interview with Lopez; was it prior or subsequent to your letter marked D?—A. It was subsequent to that. It was in the letter marked F that I offered to send them.

Q. What were your instructions to these two captains as to their mission and how they should act?—A. They were sent to witness the verification of the declarations of Bliss and Masterman. My instructions were confined simply to that.

Q. Had they nothing else to do?—No, sir.

Q. In your interview with Lopez did you demand the release of these two men?—A. I did.

Q. What was his answer?—A. His answer was uniformly, "The men will be given up." He made no other answer.

Q. He, however, placed their delivery in the future?—A. I demanded the release of the men. I told him in that interview that I should demand their release.

Q. But he only made a promise *in futuro*?—A. He told me they would be given up.

Q. But you made a demand in your first letter and they were not delivered up?—A. The case was just as it is related in that correspondence. He said in this interview he would give them up, but requested me to withdraw that letter and write another which would be more acceptable to him as president, saying that otherwise he would be obliged to transfer the correspondence to his secretary of state.

Q. What was the object in changing the substance of the letter as it appears in A and B?—A. To carry out the object I went up there for. I would thus get them more speedily. I knew that Asuncion was about to fall, and that if Lopez left the river bank and went into the interior, as he did immediately afterward, it would have been very difficult to carry on correspondence with him.

By Mr. WILLARD:

Q. Had you sufficient force to have taken Bliss and Masterman against the wishes of Lopez?—A. No, sir.

By Mr. ORTH:

Q. When did you first hear of the confessions of Bliss and Masterman?—A. I do not know when I heard it for the first time.

Q. Prior to that interview with Lopez?—A. In the letter of Lopez's military secretary, Palacios, to myself, he says: "I am happy to inform your excellency that the prosecuting officers who have received the orders of his excellency, with a recommendation to be brief, expect to get through in time for the embarkation of the criminals, Bliss and Masterman, by 3 o'clock of the afternoon of the 8th instant, and at the same time they have expressed a wish, which they hope will be gratified, that your excellency will name one or two of your officers who can witness, on the morning of the same day, the verifications of the declarations of both the accused in the case." I think I must then have heard for the first time of the confessions.

Q. What was your impression as to the truth or falsity of these declarations?—A. I did not exercise any judgment upon the question at all. I received no impression and did not endeavor to form any opinion.

Q. Did Captains Ramsay and Kirkland report to you what occurred at the tribunal?—A. Yes, sir.

Q. Did either of the captains state to you what impression had been made upon their minds as to the truth or falsity of these declarations?—A. I do not think they dwelt upon that point. They spoke of the appearance of Bliss and Masterman. They spoke of Bliss as being cool and self-possessed, and Masterman as being very frightened.

Q. Did Captain Ramsay remark to you that the impression left upon his mind was, that these confessions were the result of force?—A. I do not think that he did. I think that Captain Ramsay said that some of the statements in which his name was mentioned were false.

Q. You have no recollection of Captain Ramsay making any statement in regard to the impression upon his mind?—A. I think not. The general impression, however, was, that the statements were false. That was the impression upon my mind before I went up the Paraguay, and was produced by Mr. Washburn.

Q. Have you seen any reasons for changing that impression?—A. I had not at that time. I have seen since.

Q. Did these captains report to you, after their return from the tribunal, any promise or pledge upon the part of the Paraguayan authorities that these prisoners should be released on any subsequent day?—A. Yes, sir. They were brought on board on the 10th. I expected them on the 9th.

Q. Did you have any interview or correspondence with Lopez between the 8th and the 10th?—A. No, sir.

Q. At what hour of the day were they sent on board?—A. About 11 o'clock at night.

Q. Did you see them on their arrival?—A. No, sir; I had retired.

Q. Had you left any instructions, prior to retiring, as to how they should be received?—A. No, sir.

Q. When were you informed of their arrival?—A. Immediately upon their coming on board.

Q. Did you give any instructions at that time as to how they should be received?—A. Yes, sir. I gave instructions that they should be taken care of and given some food. I mentioned particularly that food should be supplied them.

Q. How were they treated on their arrival; were they kept as prisoners or free-men?—A. I have a report here made to the department, which I would like to read to

the committee, in explanation of the manner in which they were treated. It is a letter officially forwarded to me, for my information, by Captain Kirkland, of the *Wasp*. The writer of the letter is Mr. H. C. Wisner, an ensign in the regular navy, who was on board the *Wasp*, and is addressed to his commanding officer.

"UNITED STATES STEAMER WASP, (4th rate),
Montevideo, May 29, 1869.

"SIR: In obedience to your request of yesterday I give the following account of the reception and disposal of Messrs. Masterman and Bliss on board this vessel, on the evening of December 10, 1868.

"I was officer of the deck from 8 p. m. until midnight of that day, this vessel then lying just below Angostura battery, in the Paraguay River.

"About 11.30 p. m. a canoe came alongside, and a Paraguayan officer came on board and requested to see you. I sent the orderly to report to you, and in a few moments you came on deck, and after speaking to the officer you said to me: 'Let those men come on board.' Bliss and Masterman then came on board. Both saluted and spoke to you. You said to them: 'Well, you are safe enough now,' upon which Bliss remarked: 'Yes, I believe we are at last out of the hands of the Philistines.' You then said: 'Mr. Wisner, send for the master-at-arms and let him take these men forward to the yeoman's room, and do the best you can for them.' Bliss then said: 'Captain, I hope you do not take us for mechanics,' and Masterman: 'Captain, I think you mistake us. Mr. Bliss is the son of a minister, and I was once a lieutenant in her Majesty's service.' Bliss said: 'I only spoke as I heard you address us as *men*; to be sure when you last saw us we were considered as criminals.' You then remarked: 'Would you have me call you women?' Masterman replied: 'No, sir; but I hope you will not consider us guilty until we are proven so.' You then said to him: 'Your guilt or innocence will be determined when you reach the United States. I will make you as comfortable as I can, and if you do not wish to sleep below you can remain on deck.' You then called me one side, and told me to make them as comfortable as I could; to put a sentry over them, and give him orders not to let the men interfere with them; to keep his eye on them, and go with them if they wished to move about.

"I took them forward of the hurricane deck, and they told me it was so warm they would prefer to sleep on deck; they were very tired, and would be comfortable enough anywhere. The thermometer stood 102 F. at the time.

"I then had some sails spread for them and they went to sleep.

"I offered to have some coffee made. Mr. Bliss thanked me and said: 'We are so tired and sleepy that we will wait till morning.'

"I then placed a sentry over them, and gave him the orders before mentioned, and left them apparently very comfortable.

"Very respectfully, your obedient servant,

"H. C. WISNER,
"Ensign United States Navy.

"Lieutenant Commander W. A. KIRKLAND,
"U. S. N., Commanding U. S. S. *Wasp*, (4th rate).

"Forwarded for the information of the commander-in-chief.

"W. A. KIRKLAND,
"Lieutenant Commander, Commanding."

Q. When did you first see Bliss and Masterman?—A. I saw them the next day at a distance.

Q. Were they then in charge of a sentinel?—A. They were not. They had a person to look after them all the time.

Q. Did you regard them as prisoners on board the *Wasp*?—A. No, sir; and if the committee will allow me I will read an extract from a letter I addressed to the Secretary of the Navy on the 29th of January, 1869, after they had left for the United States, which will explain how I did regard them. "Messrs. Bliss and Masterman were received on board as temporary visitors, were admitted to the forward officers' mess, and were not allowed to pay any compensation for subsistence. Their situation was anomalous and was one that could not have been anticipated by any provision of law. The papers which I sent through the department to Mr. Seward, (those papers were sealed and I never saw them except in their inclosures,) and other circumstances; above all, the scandalous defamation by Mr. Bliss of our late minister at Paraguay, directed against his private life as well as his public character, will account for an estrangement toward the gentlemen felt by some of the officers. While they were unrestricted in their movements they were overlooked to prevent the enemies of Paraguay from communicating with them; this supervision was subsequently removed at Mr. Masterman's request." This states the condition they were in, and I wish to state to the committee that these men could not have been made prisoners in the squadron under my command by the authority of any one except myself; that I never gave such au-

thority, and that any statement, by whoever made, which declares that these men were ever regarded as prisoners in the squadron under my command, is incorrect in point of fact.

By Mr. WILKINSON :

Q. You state that these men were received on board as "temporary visitors." Is it usual in the navy, when a person temporarily visits a ship by permission of the commanding officer, to place a sentinel over him?—A. It would be under those circumstances. My first duty in regard to these men was not to allow them to communicate with the enemy; that is required by military law and usage, and I had no confidence in the individual honor of these men such as would lead me to trust to their not doing it.

Q. Two of your captains were in the enemy's country; would you permit them to communicate with the enemy?—A. They would not do it. It would be a violation of honor to do it.

Q. Had you any reason to believe that Bliss and Masterman would communicate with the enemy?—A. I had some reason to believe it. It was a matter in which I would not run any risk. I considered the character of these men doubtful, particularly Mr. Bliss.

Q. You considered the character of Mr. Bliss doubtful from the fact that he maligned the character of Mr. Washburn, both his official and personal character?—A. Yes, sir.

Q. I suppose you have reference to the book Mr. Bliss wrote?—A. Yes, sir.

Q. Had you seen that book before you received them on board?—A. Yes, sir; I had a copy of it.

Q. Did you believe that book to be true?—A. I never formed any opinion about it. I never read much of the book. I only read enough to see that Mr. Bliss had introduced in it statements relating to events of his early life which occurred many years before he went to Paraguay. They had no connection with Lopez, and therefore amounted to wanton defamation.

Q. That was the impression made upon your mind?—A. Yes, sir.

By Mr. SWANN :

Q. Did you make any memorandum of those extracts?—A. No, sir.

Q. Have you a copy of that book with you now?—A. No, sir; I have a copy in New York.

Q. Could you furnish the committee with translations of extracts from the book?—A. Yes, sir. There is one thing, however, that cannot be translated very well, and that is the tone and style of the book—its sneering, sarcastic manner.

The following are the extracts furnished by Admiral Davis :

[Translation.—From Porter C. Bliss's "Historia Secreta," &c.]

"Washburn was born in the State of Maine, some forty years ago. He is one of the younger of seven brothers, of whom the elder dispersed through several States, have advanced in fortune and influence to such an extent that three of them have met in the halls of Congress in Washington, as representatives from three separate States, to which circumstance it is owing that Charles has been able to take part in politics.

"In this very respectable flock our hero was the *black sheep*—the real Jonah of the ship! Among other *precious* qualities which adorned this *hope of the family*, and which caused serious anxiety to his parents, was a *constitutional inability* to distinguish "*neum et tuum*." * * *—pp. 2 and 3.

* * * "His family destined him for the army, and having obtained, through the efforts of a member of Congress, a nomination as cadet in the Military Academy at West Point, he went at the age of nineteen years to that place, to enter upon the course of studies that were expected to make of him a *Grant*! or a *Napoleon*! But what must have been the surprise and shame of his respectable family when, after a few days, they saw the expected future conqueror and military glory of his race return with his head down on account of his not having been able to pass the examination previous to his admission to that school where the heroes of the last civil war were educated!!

* * * He then endeavored to correct somewhat the defects of education on which his hopes of military glory were shipwrecked, by means of a course of study in Bowdoin College, in his native State. It must be admitted for truth's sake, that our *talented* youth acquired some tincture of *Latinity*, for even now he is in the habit of sprinkling some pedantic display of it through his conversation with those who are familiar with the idiom of Cicero; for, as it is said, 'a fool cannot be *wholly* a fool without knowing some *Latin*.'—p. 4.

* * * "It is a source of real regret to the author to be obliged to state that his *learned* hero did not emerge from his studies with academic honors, for a *mysterious event* clipped his wings! The cause of this misfortune is not perfectly clear, and was one of those matters concerning which he always preserved a significant silence; but the explanation supplied by *rumor* is, that the event was not altogether disconnected with the disappearance of certain *silver spoons* from the table of the academic commons!

"If such were the case, the prudent reader must not attribute this little circumstance to a want of honor on the part of the punctilious hero, but to his well-known *organic infirmity of kleptomania*.—p. 6.

"Through the influence of his elder brothers, who, as has been said, had already reached respectable positions in the state, he obtained an appointment to a place in the office of public lands, (General Land Office,) in Washington, with a compensation of \$1,200 per annum. It might now be supposed that, launched so early in the *official* career, and enjoying the advantage of having relatives in Congress, our hero would make gigantic strides toward the realization of his golden dreams of greatness! Alas! again the inexorable shears of the fates cut the thread of his aspirations! After enjoying for a few months the pleasures of the capital, another *painful and unexplained* event occasioned his expulsion from his new position *without carrying with him a certificate of character*!—p. 7.

"* * * "There is no doubt that our hero passed those few months of his career in Washington abandoned to the pleasures and orgies of the capital, *sowing his wild oats*, as the saying is, in connection with the dissolute youth he met there, and left behind a well-established character as a *rake*, and as one addicted to the *bottle*, to *gambling*, and to the *pleasures of the table*. He reformed his *religion* with the new dogma of making a *god of his belly*, and conceived the firm purpose of getting money—honorably if possible, but in any case *getting money*! He carried his real ruling passion for gold to such an extreme, that one who knew him well has said of him, that *he would steal the coppers from the eyes of a dead negro*! and that 'if the devil should spread his nets for Washburn with the bait of half a real, he would catch his soul!'

"But Lucifer is not as niggardly as our hero, and has thrown him his bait of some good thousands of ounces."—p. 8.

By Mr. ORTH :

Q. What is your present impression in regard to that book?—A. I cannot refer to Mr. Bliss's testimony now, but when he was spoken to on that subject by Mr. Worthington, at Montevideo, he said what amounted to this: That besides the false charges that he had been compelled to bring against Mr. Washburn by Lopez, he had also introduced other supererogatory statements in such a manner as to destroy his own credibility; and it was this supererogatory matter that destroyed my reliance on his character.

Q. Were you not aware that Mr. Washburn had told Bliss and Masterman to take any course which they might deem necessary in order to save their lives; to implicate him in the conspiracy if they desired?—A. The point I make is not in regard to the statements touching Mr. Washburn's life in Paraguay, but things which do not affect Washburn's relations to Lopez or to Paraguay. I do not think I ever heard that Washburn ever gave Bliss license to write these things.

Q. Do you recollect Mr. Washburn making any statement to you, saying that he gave Bliss and Masterman full license to say anything about him they pleased?—A. No, sir, I do not; but whatever Lopez compelled Bliss to say under threat of torture must be necessarily limited to occurrences in Paraguay.

By Mr. WILKINSON :

Q. You say you regarded these persons as temporary visitors?—A. Yes, sir.

Q. I do not exactly understand that term. Suppose I came on board; I would be a temporary visitor?—A. I do not desire to justify the term as strictly applicable. We have a place on board a man-of-war for everybody. If you went on board the ship you would be probably a passenger. If I were to take a destitute man from a foreign port to the United States, he would come under such a head as "distressed seaman." We have a term that applies to everybody that comes on board the ship, under every supposable case; but this was an extraordinary case—one which could not be anticipated; and in accounting for the expenditure thus incurred I spoke of them in that way. They did not come under any special head.

By Mr. WILLARD :

Q. Then it was not to define the real status of these men that you applied this term to them, but merely to account for their expenditure?—A. Yes, sir. I think their status on board the vessel is more nearly defined in Mr. Washburn's dispatch, which formed the basis and ground for my demand for them. This language he used in respect to these men before I went up there, and it was from it I took my cue as to my action in the case. He writes:

"The law of nations clearly prescribes the course to be followed when persons, members of a legation, are found to be engaged in any unlawful acts. It says that the government which it has offended may ask that they shall be sent to their own country to be tried, when the minister will be bound to comply with the request. Therefore, if the charges and proofs against Mr. Bliss and Mr. Masterman shall be furnished me, with request that they should be sent to their respective countries to be tried, I shall

then have no alternative but to comply, and at the first opportunity send them away—the one to the United States, the other to the custody of the English minister in Buenos Ayres. This course it is hoped will be satisfactory to the government of Paraguay, as it will remove persons obnoxious to it from the country, and will subject them to trial according to the laws of their own countries, and as there is little doubt that an American gunboat will soon be in these waters, there will probably be but little delay in carrying it into effect."

The only object I have in reading this is to show my theory of the case when I went up to Paraguay. Before I went, of course I had to form an opinion of the course I was to pursue, and in looking at the dispatches of Mr. Washburn, I decided not to attempt to exercise any discretion in their case, or any judicial functions, but to demand them in the same manner and under the same circumstances that he had demanded them.

Q. Did Lopez make any terms or conditions with you as to how they should be treated when they were put in your possession?—A. No, sir. He merely requested that they should not be allowed to communicate with his enemies. That, however, was an unnecessary request. Even the women and children that were taken away by the Italian and French gunboats were not allowed to land. They were put on board the passenger steamer and sent off immediately. That is according to the usages of war. I did not allow them to go on parole because of the slight estimation I had of Bliss's character, formed partly from what I had read of his book and partly what I had heard.

Q. You say you met them the morning after their arrival under charge of a sentinel; did you have any conversation with them at that time?—A. No, sir. They were not, however, under charge of a sentinel as prisoners are. That phrase would give a wrong idea of their condition. A person merely looked after them to prevent them from communicating with the enemy.

Q. Was that condition changed prior to their removal to the *Guerriere*?—A. No, sir; it was not.

Q. Was it removed after they were removed to the *Guerriere*?—A. Yes, sir.

Q. Was it removed in regard to both of them?—A. I think it was; at least, I gave the order in regard to both of them. In regard to Mr. Bliss's character, I will say that Captain Kirkland told me that the American minister in Rio, in whose family Bliss was, told him that he was deficient in truthfulness; that he discharged him because he was afraid he would corrupt his children. His general character on the *La Plata* was not very good.

[Admiral Davis here read a letter written by Captain Kirkland to him in regard to this matter, of which the following is a copy:]

"UNITED STATES STEAMER *WASP*, (4th rate),
"Montevideo, June 5, 1869.

"ADMIRAL: I have just read the reports of the treatment of Bliss and Masterman on board the *Wasp*, and am astonished that two such votary slanderers should have received credit among our enlightened countrymen.

"Almost every assertion made in Bliss and Masterman's memorial, with which my name is connected, is either false, or else is so entirely changed in spirit as to render it untrue.

"In Bliss's declarations, where my name occurs, I believe the dates are correct; but the alleged contents of the letters exchanged between Mr. Washburn and myself are false. I attributed his bare-faced lying before the tribunal, and in my presence, to his fear of the Paraguayan officials, and therefore took no notice of it, beyond mentioning the fact to the fleet-captain, and to yourself when I returned on board from witnessing the declarations; but the new series of lies against myself and the officers of the *Wasp*, who did not invite the parties to mess with them, require a word or two by way of remark:

"In the first place, the cabin was fully occupied by yourself, your fleet-captain, General McMahon, and myself, and the wardroom and steerage were both so full of occupants that two officers of your staff slept on deck.

"Secondly, I considered Bliss to be an unfit subject to mess and live with gentlemen, as in January, 1863, General Webb had him for a private tutor, and brought him to this river from Rio de Janeiro, where he left him, because he was a natural liar, whose example the general feared would contaminate his children. This I heard from the general's own lips at that time. Bliss was also mentioned to me frequently by Washburn as "a most unprincipled man, but a walking encyclopedia of knowledge." He was further suspected by parties in Buenos Ayres of being a spy in Washburn's house; and lastly, he was the author of the scandalous pamphlet against Mr. Washburn published in Buenos Ayres, in December last, which, false or true, should forever damn the writer among gentlemen. I also gathered from Mr. Washburn's conversation, if not from his very words, that Masterman was a poor, miserable creature, which, judging

from his manner, I should agree to; and I am only sorry now that I did not place the pair entirely by themselves, instead of having associated two such slanderous liars with the petty officers of the ship, who are decent and honest men.

"The report of Mr. Leckron, sworn to before the consul, and that of Mr. Wisner, who was the officer of the deck when the two men were brought on board, have already been forwarded to you, and will, I hope, be laid before the committee of the House ordered to investigate the Paraguayan affair.

"I am, sir, very respectfully, your obedient servant,

"W. A. KIRKLAND,

"Commander United States Navy. . .

"Rear-Admiral C. H. DAVIS, U. S. N.,

"Commanding South Atlantic Squadron."

Q. The statements that are made in that letter were communicated to you before Bliss and Masterman came in your custody?—A. The statements in regard to Mr. Bliss's declarations were communicated to me the night he came down from witnessing the declarations. That part in regard to what General Webb had said was communicated to me before. I may remark in that connection that when Mr. Bliss professes it as his object in making these statements to destroy his own credibility, it is rather strange he should complain that it produced that effect on my own mind.

Q. You state that after your personal interview you wrote the letter dated December 4th; what reply did you receive to that?—A. I received a reply from Lopez's chief military secretary, dated December 5th. It is published in Executive Document 5, page 90.

Q. Then I understand from this letter that Lopez refused to deliver them up to you under the terms of your letter of December 4th?—A. Yes, sir; he expressly stated that I should recognize them as criminals.

Q. When he made that demand on you that you should acknowledge them as criminals and as accomplices of Mr. Washburn, what reply did you make?—A. I stated to him in words that, "it is no part of my official duty either to offer or to refuse any terms which will affect the alleged criminal condition of the two persons in question." As I have repeatedly stated to the committee, I adopted the view presented by Mr. Washburn himself with regard to these men, that I had nothing to do with their criminality; my own government was the judge of that.

Q. Was it your agreement with Lopez that you should receive these men as prisoners and keep them in security?—A. No, sir; there is no agreement between Lopez and myself, and nothing passed between Lopez and myself except what appears upon the documents printed.

Q. How do you consider this passage in your letter to Lopez of the 5th of December: "I have to ask your excellency to embark the accused persons, Bliss and Masterman, on board this vessel, in order that I may keep them in security, subject to the disposition of the United States?"—A. I considered it literally—in the literal meaning of the words. As I have said before, it was my expectation that these men would be glad to get out of the country and return to the United States; and it was my intention when I took them to keep them in security and return them to the United States.

By Mr. ORTH:

Q. Mr. Washburn desires me to ask you whether you received them as criminals, and as his accomplices in this alleged conspiracy?—A. No, sir. I have repeatedly stated that I exercised no discretion whatever in regard to Mr. Washburn's difficulties, or the connection of Bliss and Masterman with them, but acted only in accordance with the course previously laid down by Mr. Washburn himself. I did not receive them as criminals or judge the case. I did not accuse Mr. Washburn, or suspect him, at that time of being in a conspiracy. At that time I did not believe, from the representations made to me by Mr. Washburn, that there was any conspiracy.

By Mr. WILKINSON:

Q. You stated you went up the Paraguay and acted in strict accordance with the instructions you afterward received from the Navy Department and Mr. Seward, with one exception, and that was, that the correspondence was conducted by yourself instead of by Minister McMahon?—A. Yes, sir; they were in strict accordance with those instructions, with the exception that Mr. Seward authorized General McMahon to conduct the correspondence before he presented his credentials. General McMahon and myself, after consultation, thought that it was not expedient to do that.

Q. In this letter which Mr. Welles addressed to you December 12, 1868, he quoted from a letter Mr. Seward addressed to him, and makes it a part of his letter to you. He says that Mr. Seward writes him that "the situation thus presented seems to me so critical that I have thought it my duty to advise the President that the rear-admiral should be instructed to proceed with an adequate force at once to Paraguay, and take such measures as may be found necessary to prevent violence to the lives and property

of American citizens there, and, in the exercise of a sound discretion, to demand, and to obtain, prompt redress for any extreme insult or violence that may have been arbitrarily committed against the flag of the United States or their citizens." You have stated that you acted in accordance with these instructions, which you afterward received. I wish you now to state whether, after receiving this letter from Lopez, dated December 5, it was not proper for you to repel the insult therein contained, charging this crime upon Mr. Washburn?—A. General McMahon and myself acted in consultation together, and that was the course our judgment led us to pursue.

Q. You did not, then, in your correspondence or interview repel that insult?—A. I did not mention Mr. Washburn in any of my correspondence.

Q. Did you not regard it as an insult to the American government to charge that crime against its minister?—A. It was no doubt very injurious to the American government that the charge was so made, but it was not my province to form a judgment as to its truth or falsity.

Q. Is it not your duty, as the representative of the American navy, to repel an insult of that kind against an American minister?—A. I did not consider that at that time I was called upon to act as Mr. Washburn's vindicator, or to decide on his guilt or innocence.

Q. Did you not regard him as the agent of the United States?—A. Does it follow, then, that I am necessarily his vindicator?

Q. It would be, I think, after you were instructed in terms to redress any insult.—A. With regard to that I have only to say, that I took that course after consultation with General McMahon.

Q. You and General McMahon decided, then, to take no notice of that charge by Lopez?—A. I do not think we took any notice of the charge at all.

Q. Was not your mind called to it?—A. No more than by the correspondence before. What he said in that letter was only what he had said over and over again in his correspondence.

Q. You then thought it was perfectly proper for you to pass that by in silence?—A. Yes, sir.

Q. Do you still think so?—A. I do.

Q. Do you think that where an American citizen is deprived of his liberty, or injured in any way, by a foreign power, that his personal character makes any difference as to the duty of this government to vindicate his rights?—A. No, none whatever. I demonstrated that when I took Walker and his companions out of Nicaragua. When it was said by some persons that I had better had left them there, I replied, that if a man falls overboard we do not stop to inquire as to his moral character before we throw him a rope. I would render assistance to any man in danger, whether he was a good or a bad man, as I did in the case of Bliss when I got him out of the hands of Lopez, who, it was represented to me, had killed him half a dozen of times, and in half a dozen ways.

Q. Then this story that Captain Kirkland writes to you about General Webb turning him away was entirely immaterial to you?—A. Yes, sir.

Q. Why, then, do you introduce this letter as evidence?—A. I have expressly stated that I introduced it to show why I kept Bliss under surveillance when he came in my squadron. I thought it necessary to do so to prevent him from violating the rules of war.

Q. How long did Bliss and Masterman remain on board your ship?—A. My letter requesting them to take the mail steamer to the United States shows the time. It is dated at Rio, January 23.

Q. How long did you remain at Montevideo?—A. I think I must have left the 17th or 18th of January.

Q. Why did you go from Montevideo to Rio Janeiro?—A. To meet the mail, partly, and partly for the disposition of Messrs. Bliss and Masterman.

Q. Was it primarily your object to dispose of Bliss and Masterman?—My primary object in going was to get the mail. I expected to receive instructions from the government in relation to the recent occurrences, and particularly in relation to those prisoners.

Q. Was not there a regular mail service between Montevideo and Rio Janeiro?—A. I wanted to be there in time to send replies by the return steamer.

Q. Suppose these men had refused to go to the United States, what would you have done?—A. I would have let them go on shore at Rio. I considered it my duty to keep them on board the vessel until I left the seat of war.

Q. What was the cost of running your vessel from Montevideo to Rio?—A. I could not tell without making some calculation.

Q. How much coal would it take?—A. About two hundred tons.

Q. Had you any conversation about the 1st of October, 1868, with the admiral of the British fleet in relation to the course of Minister Washburn in Paraguay?—A. I think it is very probable I did, but none of any importance. The difficulties in Paraguay were then the principal topics of conversation, and we talked of them a good deal.

Q. Did you not tell the British admiral that you thought Minister Washburn's testimony in regard to Paraguay matters was not to be relied upon?—A. I do not think I did. Such, however, is my present opinion.

Q. Do you remember telling him you had received private information from Captain Kirkland differing entirely from the statement made by Mr. Washburn?—A. No, sir. But I say now I did receive a letter from Captain Kirkland—not private, but unofficial—which influenced my conduct in the matter. It contained some information. I do not know that it was different, but additional to that contained in the public dispatches.

Q. Have you that letter?—A. Yes, sir. It was written to me on the return of the Wasp from Paraguay when she brought down Mr. Washburn and his family.

“ U. S. S. WASP, (4th rate,) SOUTH ATLANTIC SQUADRON,
“ Montevideo, September 28, 1868.

“ ADMIRAL: In forwarding to you my report of proceedings, &c., during the service performed by the Wasp on her last trip to Paraguay, I limited myself to a mere official statement of the particular duty performed by the vessel and by myself.

“ As his Excellency, Mr. Washburn, has published in the newspapers of the La Plata his correspondence with the Paraguayan government, and as my name occurs in connection with one or two of his statements, I think it proper to inform you, unofficially, of several incidents which I cannot give an opinion on, but which, I suppose, you might possibly wish to furnish to the government.

“ On the 2d day of September, I first visited President Lopez. I inquired after Mr. Washburn, and Lopez replied, ‘I am sorry to say we are very bad with Mr. Washburn.’ I said that I was very sorry to hear it. Lopez said, ‘Mr. Washburn is an enemy to Paraguay.’ I said I didn’t believe it; and he continued; ‘I do not doubt it; I have the proofs.’ I then said again: ‘I do not believe it, but if he is, it is none of my business.’ Lopez then said, ‘I wish you to take a part in this, and try to arrange the matter between myself and Mr. Washburn, as I am very loth to take any step inimical to the United States.’ I replied that my mission was a specific one; that I was not a diplomat, and that I would not interfere in the matter in any way. He remarked that unless the thing could be arranged, he feared he would have to detain Mr. Washburn; and I answered him, as nearly as I can recollect, as follows: ‘Any steps taken against the United States minister will be avenged by that government, even should the minister be in the wrong in the first instance. Your duty is to allow him to depart peaceably, and to refer your complaint, if you have any, to the President of the United States; and you may rest assured that if the minister has been guilty of unfriendly acts to the government of Paraguay while residing in your country, that he will be called to account for it; but, if you take the law in your own hand, and insult his sacred diplomatic character by such an act, a fleet of six light-draught monitors, with fifteen and twenty-inch guns, which was in Pernambuco, bound to this river for the purpose of forcing the Brazilian blockade, will take sides with the allies, will pass your batteries, knock down your towns and cities, and the government of the United States will hunt you over the world, and demand you from any government that may have given you shelter. I shall wait a proper time, and if Mr. Washburn is not put on board, or I am not allowed to embark him with the means at my command, I shall return immediately, and report to the government that he is a prisoner at your hands.’ Lopez then asked how long I would remain. I replied, ‘Only a few days, as I have strict orders on the subject.’ Lopez, after a short while, said: ‘You are right; I will let Mr. Washburn go, and will represent his conduct to his government.’

“ My opinion is that Lopez wished to have the ship in the river, as appearing to give him a moral support; and he wished to ascertain whether I would remain an indefinite length of time awaiting Mr. Washburn; because, as soon as I told him that I would only wait a proper length of time, and that I would not inform him what that length of time would be, he immediately said that Mr. Washburn should be embarked as speedily as possible. I have no idea that Lopez’s remark was intended as any threat against Mr. Washburn’s liberty; but he was very anxious to have the ship in the river, if possible, and thought he could accomplish that by temporizing.

“ Mr. Washburn was a good deal agitated on reaching the ship, and at the dinner table stated that, in his belief, I had saved his life. I mentioned what Lopez had said about detaining him, upon which he made use of strong and rather undiplomatic language, in a note which he addressed to Lopez after passing his batteries.

“ Lopez told me that Mr. Washburn had refused to leave Asuncion when the city was ordered to be evacuated, and that he had sheltered a lot of persons who were intriguing against the government; that he, out of respect for the United States, had allowed him to remain, and had done nothing to endanger his house, either by putting batteries near it, mining, or by any other means which an officer fortifying a place could have readily made use of to disencumber himself of a troublesome tenant.

“ Mr. Washburn told me that he had never heard anything of a revolution or conspiracy against the government; but, on one occasion, Mrs. Washburn, when her hus-

band was not present, said that there was a plan to turn Lopez out of power, and to put in his place his two brothers, Verancio and Benigo. As Mrs. Washburn had entirely agreed with her husband when he emphatically denied ever having heard of any plan, this admission on her part rather astonished me; but I did not comment on it.

"Mr. Washburn remarked to me that he would like to stop near Caxias's headquarters, expressing his intention of informing the allies of Lopez's force, position, sources, &c. I informed him that such conduct on his part would be a violation of the neutrality which we were bound to regard; and that if he did such a thing, I should feel it my duty to report the fact to our government. He replied that he was responsible for his actions; and I informed him that I was also responsible for the actions of persons on board the Wasp, and that I would not stop at the place mentioned. However, when I stopped to board the Brazilian admiral at Villa Franca, a Mr. Gould, British chargé d'affaires at Buenos Ayres, a declared enemy of Lopez, and open friend of Brazil, came on board from Her Britannic Majesty's gunboat Linnet, and Mr. Washburn gave him the above information, which was transferred to the Brazilian admiral immediately, and thence sent to Buenos Ayres, and published in the newspapers before our arrival.

"I have the reputation with Mr. Washburn of having saved his life; and although I regard the fear, on his part, as entirely imaginary, I have not taken the trouble to make him feel himself less of the martyred diplomat, and am, consequently, on the best of terms with him.

"He informs me that he wrote a cheerful character for Captain Crosby, which he addressed to the Secretary of State, and which he has no doubt was the cause of Commander Crosby's promotion. He has promised to do the same thing for me; and I only hope he will. You will see by the papers the different steps taken by Mr. Washburn, which require no comment.

"I am, sir, respectfully, &c.,

W. A. KIRKLAND,

"Lieutenant Commander, Commanding U. S. S. Wasp."

"Rear-Admiral C. H. DAVIS, U. S. N.,

"Commanding South Atlantic Squadron."

Some parts of that letter, I may mention, were sent to the department when it was received. That part of letter relating to Mrs. Washburn, and to Mr. Washburn's desiring to communicate the military condition of the country to the Brazilian commander-in-chief, was not mentioned.

Q. I wish to call your attention to an article published in the Buenos Ayres Standard of December 23, and mentioned in Dr. Duvall's testimony. Was not that information necessarily furnished by some officer on board the Wasp?—A. I have not the slightest idea.

Q. Did this paper have any means of obtaining information as to what transpired in Paraguay, except through some persons connected with the Wasp?—A. Vessels were going up and down constantly.

Q. I mean as to what transpired between the officers of the Wasp and Lopez?—A. No, I should think not.

Q. Could any correct information have been received at that time at Buenos Ayres except by being brought down by some party on board the Wasp?—A. I know nothing about it, nor have I the slightest reason for supposing that it proceeded from the Wasp.

Q. This extract states that Bliss and Masterman are held as prisoners.—A. That is not true. They never were prisoners. They went about the ship as much as anybody else.

By Mr. SWANN:

Q. Did you suffer Mr. Bliss, after you arrived at Buenos Ayres, to receive any communication from the shore?—A. He did receive communications from the shore.

Q. Did you open and examine them?—A. I think I opened one. I cannot recollect, but generally I sent them to him after looking at them.

Q. Do you remember a letter to Mr. Bliss from Captain Hill?—A. Yes; I think I do. I have a partial recollection of it. I have no recollection of its contents.

Q. The letter was dated December 30, and detained by you until January 7?—A. I do not think that is correct.

Q. Dr. Duvall has testified here that on January 7 he found Mr. Bliss in great agitation over a letter he had just received from one Captain Hill. The letter was dated December 30, had been opened and sent to him some ten days afterward, but that the agitation of Mr. Bliss arose from the fact that it was very important he should answer the letter, but it was then too late, as Captain Hill had gone away.—A. I have no recollection of the circumstances.

Q. What was your practice in respect to transmitting letters for Bliss and Masterman?—A. I gave them, generally, to Captain Ramsay, my fleet captain; I always sent them immediately.

Q. Did you permit them to receive or send letters without their first being opened

by you or some other officer ?—A. They did send letters without being read, so far as I know.

Q. With your consent ?—A. Yes, sir.

Q. What was the general rule upon the subject ?—A. They were not allowed to have any correspondence with any of Lopez's enemies.

Q. Were the letters they received inspected ?—A. I think not. I never inspected them, although I felt authorized to do it. At the same time I forbid their corresponding with parties whom I believed represented the allies.

Q. Was there any difference in your treatment of these two men ?—A. There was after they had been on board the *Guerriere*. I cannot say a difference in treatment strictly. Mr. Masterman, while he thanked me very cordially for my kindness and for having saved his life, relieving him from a scene of suffering and torture, said that the only complaint he had was, that I had obliged him to mess with Mr. Bliss, whom he denounced in bitter terms, to which I replied that they came together on board the ship, were associated together in my mind, and I had no idea there was any difference or any ill-feeling between them. Mr. Masterman had several conversations with me in which he impressed me as a man of very fair intentions and simple character, but rather deficient in manhood.

Q. What was the difference in treatment that they received ?—A. It principally amounted to my talking with Mr. Masterman.

By Mr. ORTH :

Q. What was your reason for making any difference in your treatment or feeling between those two men ?—A. My becoming acquainted with Mr. Masterman, his coming up and talking with me. The only difference consisted in this, that I talked with Mr. Masterman and did not with Mr. Bliss.

Q. Mr. Masterman states that after he told you he was not a friend of Mr. Bliss, that you treated him better ?—A. That statement is not strictly correct.

Q. Were they both under the same surveillance prior to your arriving at Rio ?—A. I made no distinction between them in my orders.

By Mr. SWANN :

Q. Did Mr. Masterman state to you the grounds of his objection to Mr. Bliss ; whether there were any distinct charges, or did he talk of his general character ?—A. General character. He did not enter into details ; I did not encourage him to do so.

Q. Did not Masterman claim different treatment from the fact that he had been an officer of the British navy ?—A. He seems to have done so, the night he came on board, but I do not think he did afterward. The only ground he took with me was his objection to being associated with Mr. Bliss. I would observe that Mr. Masterman states himself in his declaration that he was an apothecary, and according to the regulations of the navy apothecaries are messed with the forward officers.

By Mr. WILKINSON :

Q. What regulation of the service says that employés like physician or translator of a legation, shall be put with the forward officers or with the steerage ?—A. There is no regulation upon the subject.

Q. Any custom ?—A. No, sir.

Q. Mr. Washburn desires me to ask you that supposing the head of the legation had actually been seized and sent off under similar terms under which Bliss and Masterman were sent, whether you would have treated them in the same way ?—A. I deny that these men were sent ; they came on board the ship voluntarily. Mr. Washburn ought to be perfectly well acquainted with the manner in which a minister is treated on a man-of-war while he was on board of my vessel ; he was treated with the extremest courtesy.

Q. But how about his attachés ?—A. It depends upon the manner in which they came on board. I have already stated that Mr. Bliss's status was determined in my mind by his scandalous defamation of his former friend and employer.

Q. I am requested by Mr. Bliss to ask you whether this surveillance or the position of the sentries placed over these men was changed as far as Mr. Bliss was concerned, after Masterman had been placed on parol ?—A. Not to my knowledge. The order to accept the parol of the two was given to the captain of the ship without any discrimination.

Q. Did you accept Bliss's parol ?—A. I did not see him. I consider Mr. Masterman's as covering both.

Q. Was the sentry removed from Mr. Bliss at that time ?—A. I do not know. If it was kept on it was not by any order from me. Mr. Bliss's use of the word sentry is inappropriate.

By Mr. SWANN :

Q. You have stated in your testimony that at the time of your arrival in Paraguay you had formed no opinion in regard to the charges and rumors in reference to Mr.

Washburn—charges that had been made against him, and the speculations in regard to his public conduct there. Did you ever, at any other time, form or express an opinion?—A. No, sir; I do not think I ever did. I felt incompetent to form any opinion on the subject, and therefore never made it the subject of inquiry.

Q. What were your relations to Mr. Washburn there?—A. Entirely friendly. My relations were of two kinds—by letter and in person. The letters speak for themselves; they are printed. My personal intercourse with Mr. Washburn was of the same character. The last time I met him was at Montevideo, and we spent an hour together very pleasantly. Whatever ill feeling Mr. Washburn may entertain toward me has grown up since I saw him the last time.

Q. How do you account for it?—A. I do not try to account for it. I suppose some of my enemies prejudiced his mind.

Q. Have you any idea of any person or persons that may have prejudiced him in regard to this?—A. Yes, sir. I think it is very probable that General Webb did.

Q. You had frequent communications with General Webb?—A. Yes, sir.

Q. How were your relations with him?—A. My relations with him were friendly up to the time of these occurrences in Paraguay, and we then differed as to the course of procedure. He then pursued what I supposed he considered the proper diplomatic course, of denouncing me in the newspapers in Rio.

Q. Did General Webb undertake to instruct you in regard to your line of duty?—A. Yes, sir.

By Mr. WILKINSON:

Q. Why did you permit them to land at Rio, and refuse such permission at Buenos Ayres and Montevideo?—A. I permitted them to land a few hours before the sailing of the steamer. Mr. Bliss told me that morning that he wished to make some purchases.

Q. Suppose they wanted to make these purchases at Buenos Ayres, would you have permitted it?—A. Certainly, under proper restrictions. Buenos Ayres was near the seat of war.

Q. How near was Buenos Ayres to the seat of war?—A. Twelve hundred miles. Circumstances had changed in regard to Paraguay by the time we arrived in Rio de Janeiro. Lopez had been driven to the Sierra, and the allies had possession of Asuncion, and Angostura had fallen.

Q. Did you give any instructions to Captain Kirkland in regard to the treasure in Paraguay; and if so, what were those instructions?—A. At that time I did not.

Q. Did you at any time?—A. I did afterward.

Q. State what those instructions were.—A. I directed Captain Kirkland, on going to Paraguay in my absence, (that was after the release of Bliss and Masterman,) to receive any treasure that might be offered him, and with the understanding that I should share with him the responsibility. That is in accordance with the laws and regulations of the service. If Lopez or anybody else had offered to send any money down while I was there, the question would have been decided by myself on the spot. When Mr. Washburn brought treasure down, it was decided by Captain Kirkland.

Q. Had you not been advised by Mr. Washburn that Lopez would probably want to send down treasure, and that a large part of this had been stolen from foreigners whom he had seized and robbed?—A. I have no recollection of it. The truth is, as I wish to say to the committee, that in my intercourse with Mr. Washburn I talked with him as one gentleman would talk to another, not taking notes of what transpired.

Q. He made no written communication to you on the subject?—A. No, sir.

Q. Did you read the letter of Mr. Washburn to Mr. Stewart, the British minister at Rio?—A. I read the letter; but I have no recollection of that fact being stated. I read the letter to find out the condition of Paraguay. Such a statement would not interest me.

Q. Would you have taken the responsibility of instructing Captain Kirkland to bring away any treasure that may have been surreptitiously taken by Lopez?—A. I should not have instructed him in regard to Lopez's treasure, but only in regard to treasure generally. I had in my mind his sending treasure down, and, according to the usages of the service from time immemorial, if I had been there I should have been authorized to receive it. I should not know how it had been obtained.

Q. Did you take any steps, in your interview with Lopez, to ascertain whether any property had been confiscated or taken away from Bliss and Masterman?—A. No, sir. Nothing had occurred to turn my thoughts in that direction.

Q. Did you question Lopez concerning the alleged use of torture to extort confessions from Bliss and Masterman?—A. No, sir; I did not.

By Mr. WILLARD:

Q. Had you any knowledge, from any source, that they had been tortured?—A. I think Mr. Washburn said so. He said if they made any declaration it would be under torture.

Q. Did you inquire whether any other American citizen besides Bliss and Masterman had been imprisoned, tortured or executed?—A. No; I was under the impression that there were no Americans there; but Mr. McMahon went into the country immediately, and that subject was in his hands. I never heard of any other Americans.

By Mr. ORTH:

Q. Did you ever hear of James Manlove, John A. Duffield, and Thomas Carter, who suffered at that time at the hands of Lopez?—A. Manlove is mentioned in Mr. Washburn's dispatches. I do not recollect the other names.

Q. Did General McMahon ever inform you of the contents of a letter Mr. Washburn addressed to him about these men?—A. No, sir; not to my recollection.

Q. In this letter of Mr. Washburn to Mr. Stewart, which you have informed the committee you have read, is the following:

"The plan of Lopez appears to be to get this money into his hand and then, by torture or threats, to extort confessions of being either conspirators or plunderers of the treasury. On these confessions they will probably be executed, on the precautionary principle of foot-pads and other murderers, that 'dead men tell no tales.' How Lopez expects to escape with the money thus obtained I do not know. Perhaps he thinks that some neutral gunboat will take him and his plunder away at the last moment. But I here give notice that the money thus taken does not belong to Lopez. It is the property of citizens of those powers that are able to pursue it and return it to its rightful owners."

Do you remember that paragraph?—A. I do.

Q. What instructions did you give Captain Kirkland when he went up the Paraguay to bring Mr. Washburn and his family away?—A. (The admiral here read his letter to Secretary Welles dated April 23, 1868, and printed on page 41 of Executive Document No. 79, and also of May 20, 1868, page 42, Executive Document 79; also, letter to Lieutenant-Commander Kirkland, March 14, 1868, page 44, Executive Document 79; and also a letter from him to Minister Washburn, dated March 15, 1868, page 44, Executive Document 79.)

Q. What measures did you take to send that letter to Mr. Washburn?—A. It was sent in quadruplicate. I gave one copy to the American consul in Montevideo, one copy to the American consul in Buenos Ayres, one copy I left with Captain Woolsey, to be disposed of, and the other copy I sent directly to Mr. Washburn—but how, I do not recollect. I think I put it in the hands of the Brazilian commander-in-chief at Montevideo.

Q. Was there any possibility that either one of those copies could reach Mr. Washburn without a special messenger?—A. I do not know. I made use of the means that were pointed out to me.

Q. Mr. Washburn desires me to ask if you made use of the same means as you did in the case of his successor, when you wanted to send dispatches to him?—A. I leave it to the committee to judge the interest I took in the matter, when, in the first place, I ordered Captain Kirkland to go up the Parana with no other delay than that of getting up steam, and then sent this dispatch to Mr. Washburn in quadruplicate.

Q. Had you any other means of sending your letter through to Mr. Washburn?—A. I put one in the hands of the United States consul at Montevideo, to send up by some means; one in the hands of the American consul at Buenos Ayres, who, I expected, would send it up by some vessel; one I left with Captain Woolsey, with the instructions that are given in my letter to him, printed among the correspondence; and the other I sent directly, but in what manner I cannot now state; but I believe by a Brazilian vessel of war or transport.

Q. Were there any means of communication unless you sent a special messenger, or by vessel?—A. Vessels were going up and down constantly. There was no reason why letters should not go through. Mr. Washburn's object is evidently to make it appear that I was his personal enemy. I would like to read three letters I wrote to Commander Kirkland.

(The letters are printed on pages 45 and 46 of Executive Document No. 79.)

Q. Did you believe, or had you reason to believe, and if so, upon what was your belief founded, that the sending of the Wasp up to the seat of war would enable Mr. Washburn to retire from the country if he desired to do so?—A. I did believe so. It was founded upon universal experience. It was also founded upon the wish of the department that a vessel should be sent him.

Q. How far was Mr. Washburn from the blockade at that time?—A. I do not know. I understood he was some distance.

Q. Had you received permission for the Wasp to pass the blockade?—A. No, sir; we did not anticipate any difficulty. When the permission was finally refused, the case was placed by me in the hands of the American minister at Rio, who exacted from the Brazilian government permission to pass the blockade.

Q. Did you at any time express an opinion to General Webb that the Brazilians had

a right to refuse permission to pass the blockade?—A. Not to my recollection. But I have no doubt of the military right to refuse permission to a neutral to pass a blockade when it interferes with the current events of the war. We did that during the war over and over again. Our instructions upon that subject are explicit.

Q. You cannot say whether you told General Webb that or not?—A. No, sir. It was undoubtedly a violation of courtesy to refuse such permission; but the refusal would be sufficiently apologized for if shown that it would interfere with military operations under way.

Q. How soon after receiving definite information from Captain Kirkland that he was unable to pass the blockade did you confer with General Webb?—A. The nearest I can get to it is in the letter I wrote to General Webb on July 1, 1868, I published on page 54 of Executive Document No. 79. I had a personal interview with General Webb before writing that letter, and we agreed upon a course to be pursued; and I then wrote this official letter to him.

Q. Mr. Washburn desires me to ask whether General Webb, in an interview with you, did not inquire what you were going to do in regard to the Wasp being detained, and whether you said you had received letters from Captain Kirkland several days before, and that you had not opened them?—A. I do not recollect any such thing. I do not know what Mr. Washburn alludes to. What business had General Webb with my correspondence as long as my department was satisfied? If I received letters from Captain Kirkland which I knew did not require my attention, who was to be the judge as to when they should be opened? I do not recollect making any such statement to Mr. Webb. I supposed at the time I was dealing with men who were gentlemen, but I now find they were taking notes of all our private conversations with a view to confuse me by asking me about them.

Q. Did you state to Mr. Washburn, on the stairway of the Hotel Provence in Buenos Ayres, that you knew General McMahon was coming with instructions, and wanted Mr. Washburn to remain?—A. I do not remember having said that. I remember having a conversation with him at that place.

Q. Did Mr. Washburn state, that in consequence of his superior knowledge of Lopez's character and government, that it would be important for him to return to Paraguay on the Wasp at the time you went up; and if so, what reply did you make?—A. He said something of that purport, something amounting to an offer to go up. But it was entirely out of the question to consider it. A minister had already been appointed. I considered Mr. Washburn's state of mind, as shown in his letter to Mr. Stewart, as incapacitating him for judicious action in Paraguay.

Q. Was there any statement in that letter to Mr. Stewart which has not been verified since; have you reason to believe that those declarations of Bliss and Masterman were obtained by force?—A. I have reason to believe that they were not obtained by force.

Q. Will you state these reasons?—A. Mr. Masterman made a written statement, which appeared in the European Mail of April 9, 1869, in which he says, "The priest urged me to confess and save my life, and said that Mr. Bliss had only been shown the torturing instruments, and was now making the statements they required." I would add to that, that the day after Mr. Bliss came on board, he was examined by the surgeon of the Wasp, Dr. Gale, and it was so reported me by Captain Kirkland, and that no marks of torture were found upon his body. I will read further a letter from the clerk of Captain Kirkland, the contents of which are sworn to before the United States consul at Montevideo:

"UNITED STATES STEAMER WASP, (4th rate.)"

Montevideo, May 18, 1869.

"SIR: After reading the statement of Mr. G. F. Masterman, as published in the European Mail of the 9th ultimo, in regard to the treatment of himself and Mr. Porter C. Bliss by President Lopez, of Paraguay, I cannot but feel surprised at the discrepancy between that statement and certain things which were communicated to me by Mr. Bliss on the day after he came on board the Wasp.

"I did not seek a conversation with him, but having occasion to go to the yeoman's store-room I found Bliss there. He commenced the conversation by saying that he was glad to be on board the Wasp. I remarked, then, that after three months of torture and confinement which he had undergone it must indeed be a relief to find himself once more with those who had the power and the will to protect him. He then said that as far as torture was concerned he had never been subjected to it, or even threatened with anything of the kind; that he had not been in irons; that he and Mr. Masterman had a hut as comfortable as any of those occupied by the Paraguayans; that they were given every day a sufficient allowance of beef and mandioca, as well as yerba; and that the only thing he complained of was that he could not go any distance from his quarters without being accompanied by a Paraguayan soldier.

"I then asked about the conspiracy against Lopez. He said 'the world will never know the truth of that affair from me.' Those were the words he used, and he emphasized the word 'truth.'

"How Mr. Bliss can reconcile this with the statements he has since made, I cannot imagine, but as this affair has caused considerable discussion in the United States, I deem it my duty to make the foregoing known to you.

"I am, sir, very respectfully, your obedient servant,

"THOS. Q. LECKRON,
"Captain's Clerk.

"Lieut. Commander W. A. KIRKLAND,
"U. S. N., Commanding U. S. S. Wasp."

"CONSULATE OF THE UNITED STATES OF AMERICA,
"At Montevideo, May 29, 1869.

On the day of the date hereof, before me the undersigned, consul of the United States of America for Montevideo and its dependencies, personally appeared Thomas Quantrill Leckron, who, being duly sworn, made oath that the foregoing statement signed by him is true, and that the facts therein stated are substantially correct.

"Given under my hand and seal of office the day and year above written.

[SEAL.] "J. DONALDSON LONG,
"United States Consul.

"Forwarded for the information of the commander-in-chief.

"W. A. KIRKLAND,
"Lieutenant Commander, Commanding."

The next fact I will mention is that after we had been several months without communication from General McMahon, I sent Captain Ramsay and Lieutenant Commander Davis, (my son,) to go through the lines into Lopez's camp to carry dispatches to General McMahon. Captain Ramsay remained in the lines five days, and told me when he returned that Dr. Skinner, the head of the medical staff of Lopez, had told him that Lopez had never tortured Bliss or Masterman.

Q. Did you have any evidence from any person residing in Paraguay, either before or during the war, that led you to believe that there was at any time a conspiracy against Lopez?—A. Mr. Washburn in his dispatch to Senor Benitez, dated at Asuncion, July 20, 1868, uses the following language:

"You will admit that I had good reason to be surprised at the statement in your last note that a combination had been formed which, by agreement with the enemy, was to have broken out shortly in the country, for the overthrow of its government and the extermination of the army which combats for its existence. That something of a dangerous character had been discovered I had previously supposed, from having learned that certain energetic and unusual measures had recently been taken by the government. But of its form or extent, or of the persons implicated in it, I had not the most remote idea. Such conspiracies not unfrequently happen during long periods of war, but I did not suppose there were men enough in Paraguay to make such a combination at all formidable who would have the folly to attempt it. There may have been men bad enough to attempt it, but I did not suppose there were any so foolish as to engage in a combination that could not offer any other issue than their own ruin. Your note of the 16th, however, convinces me that something of the kind has been attempted. But I cherish the hope that it will be found, after full investigation, that it is not so extensive as may have been apprehended, and I am very anxious to know, as I now confidently believe that it will appear to be confined to a circle with which no person who has ever lived in this legation had any relations, connections, or intimacy, and I am fully persuaded that such a result of the investigation is the one that is most desired by his excellency Marshal Lopez."

I learned from that, that Mr. Washburn believed there was a conspiracy.

Q. Had you any other evidence?—A. Only that letter from Captain Kirkland which I have read to the committee.

Q. Do you recollect Mr. Washburn stating in a letter to Mr. Stewart, that he afterward found that the story of the conspiracy was untrue?—A. Yes, sir; I read that letter.

Q. Did you state on your return to Rio, to any person, and if so, to whom, that you had evidence of the existence of a conspiracy?—A. No, sir; all that I have said in relation to that subject was, first, the declaration of Mrs. Washburn, which, of course, I never spoke of officially, or even privately, as a matter of delicacy; second, the surprise it caused in my mind that Mr. Washburn, who had been living privately in his house, secluded from the whole world, should insist that there was no conspiracy. I could understand why he insisted that there was no conspiracy in which he took part, but why he insisted repeatedly that there was no conspiracy at all, I could not imagine.

Q. Did you at any time, while at Rio or elsewhere, express any doubt as to the truth of Mr. Washburn's statement in reference to these transactions?—A. I have answered that question in part, in saying that the declaration of Mrs. Washburn that there was no conspiracy made me waver on that point, as also did Mr. Washburn's own admission in that letter.

Q. Did you, at Buenos Ayres, have consultation with Ministers McMahon and Worthington without inviting Mr. Washburn to take any part in it?—A. I had no formal consultation with either of them, that I recollect. With these gentlemen I went to see Mr. Washburn immediately on my arrival in Buenos Ayres. I think I paid him two visits, in which Paragnayan matters were almost the only matters discussed. He was as much consulted as anybody; I thought, at the time, so much consulted that I had obtained all the information he had to give.

Q. Did you show to Minister Washburn the same courtesy that you did to other ministers?—A. Yes, sir; I invited him on board the *Guerriere*, and sent the barge for him, but he did not come.

Q. What day was that?—A. I do not recollect; it was before I went to Paraguay.

Q. When you first learned of the arrest of Bliss and Masterman, had you information that General McMahon had been appointed minister to Paraguay?—A. I had private letters stating that he had been appointed, and was going out in that steamer. That was my motive for waiting. These letters were not to me, but private letters to Captain Ramsay.

Q. If no person had been appointed as successor to Mr. Washburn, would you still have gone to Paraguay for the release of these men?—A. Certainly. If there had been no minister coming I should have acted on my own authority, but when there was a minister coming I felt it my duty to wait for him.

By Mr. ORTH :

Q. How long did you wait for General McMahon after you heard of the arrest of these men?—A. I think probably a fortnight before he arrived.

Q. When did you hear of their arrest?—A. I do not recollect the date. I think it was about October 12.

By Mr. SWANN :

Q. Are you acquainted with Surgeon Duvall?—A. Yes, sir. He was fleet surgeon of the squadron, and also surgeon of the *Guerriere*.

Q. He states in his testimony before this committee that he made application to you to go up the Paraguay in the *Wasp*, and you did not give him that permission. You asked him why he desired to go, and he said he had a new breech-loading gun, and he wanted to try it in shooting birds along the river; and he stated that afterward there was some misunderstanding between yourself and him. I should like to have your estimation of that officer, and what the relations were between you.—A. During a greater part of the cruise my relations with Surgeon Duvall were very intimate, and continued to be pleasant until my return from Paraguay. On my return from Paraguay it was officially reported to me by the commander of the ship that he had staid five days out of the ship without leave, and that when he was called upon to account for this military offense, he assigned as a reason for it that I had given him leave, a statement which was incorrect in point of fact. I ordered a court-martial in his case, and he was found guilty of the specification charging him with staying out of the ship five days without leave, and also found guilty of making a statement incorrect in point of fact, and sentenced by the court to be reprimanded. I thought the punishment was very insufficient for the grave military offense committed, and said so in a general order which was afterward published by the Secretary of the Navy and approved by him. I believe that he was the active cause of the supposed difficulty between Mr. Washburn and myself, and the real difficulty between General Webb and myself. He sympathized with Mr. Washburn and with the minister at Rio, and was opposed to me. I will offer in that connection these two statements in relation to the part which I believe Dr. Duvall has taken in bringing about the difficulties which it is the object of this committee to discuss and to consider :

“UNITED STATES STEAMER GUERRIERE,
“*Montevideo, Uruguay, April 29, 1869.*

“SIR : In obedience to your request of this date I respectfully state, that in a conversation between Fleet Surgeon Marius Duvall, Passed Assistant Paymaster John H. Stevenson, and myself, with reference to the reports of the barbarous treatment of Messrs. Masterman and Bliss while on board this vessel, upon my saying, ‘Certainly no one believes those reports,’ Fleet Surgeon Marius Duvall said, ‘Yes, I do; I originated them; I instigated them,’ or words to that effect.

“Very respectfully,

“T. S. WILLIAMS,
“*Ensign United States Navy.*

“Rear-Admiral C. H. DAVIS, U. S. N.,
“*Commanding South Atlantic Squadron.*

“P. S.—This conversation took place in the main entrance to the Hotel Oriental, Montevideo, Uruguay, on or about the 21st instant.

“T. S. WILLIAMS,
“*Ensign United States Navy.*”

"UNITED STATES STEAMER PAWNEE, (2d rate),
"Montevideo, April 30, 1869.

"SIR: I have the honor to acknowledge the receipt of your communication of this date, inclosing a copy of a statement from Ensign T. S. Williams, United States Navy.

"The conversation alluded to in the statement of Mr. Williams occurred in my presence, and Surgeon Marius Duvall did use the language imputed to him by Mr. Williams.

"I am, sir, very respectfully, your obedient servant,

"JOHN H. STEVENSON,

"Passed Assistant Paymaster United States Navy.

"Rear-Admiral C. H. DAVIS, U. S. N.,

"Commanding South Atlantic Squadron, U. S. Flag-ship Guerriere, (1st rate.)

"Forwarded.

"J. W. B. CLITZ,

"Captain U. S. N., Com'g U. S. Steamer Pawnee, (2d rate.)"

By MR. ORTH:

Q. If you have any statement to make, admiral, which has not been called out by any particular question, you are at liberty to make it.—A. I would like to call the attention of the committee, in relation to the cruel treatment of Mr. Bliss on board the Guerriere, to this statement in the letter of Mr. Bliss to his father, dated December 19, 1868: "I am under no restraint on board this magnificent vessel, and am treated very well by the officers." This statement is entirely inconsistent with the statements in his memorial, and they contradict each other so decidedly that it is impossible for both to be true. Then, again, I will remark, in regard to Mr. Masterman, that in a letter which Mr. St. John Munroe, the British chargé d'affaires at Rio, wrote to me, he says: "I have received a letter from Mr. Masterman, in which, although speaking in the highest terms of your kindness to him, he complains to me of the outrage to his feelings by being treated as a criminal by the officers under your command." I introduce that to show that he admitted my universal kindness to him. Mr. Masterman says to me, in another letter dated at Rio Janeiro, January 30, 1869: "I avail myself of this opportunity to thank you most gratefully for the important service you rendered me in delivering me from a cruel captivity and a probable violent death in Paraguay." I do not know that I have anything else to add. I think it must be obvious that at the time these people were taken out of Paraguay it was supposed by all persons who derived their information from Mr. Washburn's letters that they had been released from cruel torture and the apprehension of a violent death.

Q. This letter of Bliss to his father is dated December 19; was he placed under arrest or surveillance, or deprived of his liberty, at any time within a day or two after writing that letter?—A. No, sir. His condition was not changed in any manner to my knowledge or by my order.

Testimony of Commander W. A. Kirkland.

NEW YORK, October 28, 1869.

WILLIAM A. KIRKLAND sworn and examined.

By MR. ORTH:

Question. What is your occupation?—Answer. I am a commander in the United States Navy.

Q. How long have you been connected with the navy?—A. Since July, 1850.

Q. What was your command during the years 1867, 1868, and 1869?—A. I commanded the United States steamer Wasp, attached to the South Atlantic squadron.

Q. Did you ever visit the Paraguay River while in command of the Wasp?—A. Yes, sir.

Q. What time did you first visit the Paraguay River?—A. March 19, 1867.

Q. By whose command did you make that visit?—A. By direction of Admiral Godon.

Q. How far up the river did you go?—A. I went up as far as Fort Tuyuti.

Q. What instructions had you to go on that voyage?—A. Those instructions are published in Executive Document No. 79, page 34, and are dated March 1, 1867.

Q. State to the committee how far you executed those instructions.—A. I will read my report to the admiral reporting the result:

"UNITED STATES STEAMER WASP, (4th rate),

"Buenos Ayres, March 31, 1868.

"SIR: I have the honor to report my arrival at this place at about 1.20 p. m., having been absent about twenty-one days and four hours. As I reported in a former let-

ter, I arrived off Fort Tuyuti at 1 p. m. on the 16th instant; I immediately sent a copy of the accompanying letter to Marshal Caxias, commanding the allied armies in operation against Paraguay; I also send you herewith a copy of his reply. In accordance with the terms of it, I immediately proceeded to the headquarters of the allied army, where I was courteously received, and immediately furnished with a pass through its lines and to those of the Paraguayan army. I reached the headquarters of President Lopez about dusk, and immediately sent a telegraph dispatch to Mr. Washburn to inform him of my movements. He answered it, and as President Lopez had agreed to furnish him with a steamer to bring him down, I concluded to await his arrival there, as I should thus gain two days, which a journey to Asuncion requires.

"On the morning of the 20th, a telegraph to the above effect was sent to Mr. Washburn and he left the same evening, but his steamer ran aground and he was detained twenty-four hours. On the 23d instant, at daylight, he arrived, and I delivered to him the dispatches, and at his request remained awaiting his answers until the morning of the 26th, when, at 11 a. m. I left and returned through the allied camp to the ship, reaching there after sundown, too late to get under way that night.

* * * * *

"Very respectfully,

"W. A. KIRKLAND,
Lieutenant Commander.

"Rear-Admiral S. W. GODON,
Commanding South Atlantic Squadron."

Q. When did you make your second visit?—A. It was made in April, 1868.

Q. By whose command?—A. I went under orders from Rear-Admiral C. H. Davis.

Q. Please read the instructions you received from Admiral Davis.—A. The letter was written to Captain Woolsey, and by him forwarded to me with directions to execute them at once. Captain Woolsey's letter is dated April 6, 1868. Admiral Davis's letter to Captain Woolsey is dated March 16, and is published on page 44 of Executive Document 79, as is also the letter of Admiral Davis to me of March 14 on the same subject. I then addressed the following letter to Captain Woolsey:

"UNITED STATES STEAMER WASP, (4th rate),
South Atlantic Squadron, Montevideo, April 6, 1868.

"SIR: As my orders contain no instructions in relation to the length of time that I am to remain at the seat of war awaiting communication from Mr. Washburn, I request that you will inform me what action to take should either of the undermentioned circumstances occur:

"1. In case the commander of the allied army refuses to send the dispatches or my communication to Mr. Washburn, what length of time shall I remain at the seat of war?

"2. Should the commander of the allied army accede to my request to forward communications to Mr. Washburn, what length of time shall I await the answers to said communication?

"As the vessels of the allied squadron which have passed Humaita are short of coals, I think it hardly possible that the commander of the forces will send a vessel to Asuncion for the purpose of communicating with Mr. Washburn, and any offer of his to forward said communications by first opportunity may extend over an indefinite long time.

"I am, very respectfully, your obedient servant,

"W. A. KIRKLAND,
Lieutenant Commander United States Navy.

"Captain M. B. WOOLSEY, U. S. N.,
Senior Officer Present."

In answer to this I received the following letter from Captain Woolsey:

"UNITED STATES STEAMER PAWNEE, (2d rate),
Harbor of Montevideo, April 6, 1868.

"SIR: In reply to your communication of this date I have to state that I have neither the views of the commander-in-chief nor the authority to instruct you in the contingencies enumerated.

"It strikes me that, as nothing is said as to length of time, the admiral did not intend to limit you, the object being to get his excellency Mr. Washburn down from the Paraguay to one of the points specified upon the La Plata, and that, of course, with as little delay as possible.

"It is also my belief that the commander-in-chief expected you to be guided by your intimate acquaintance with those waters, your knowledge of the character and position of the persons with whom you have to deal, and your own experience and judgment.

"As soon after your arrival at the seat of war as practicable, you will please report, by the first reliable mail, the result of your efforts to carry out your instructions, conveying all necessary information (of course in guarded terms) respecting any obstacle that may be in your way,

"In the absence of the commander-in-chief I shall know how to act when I shall have heard from Mr. Washburn. But at present, were I to instruct you further I should exceed my instructions.

"Respectfully, your obedient servant,

M. B. WOOLSEY,

"Captain, Senior Officer Present."

"Lieutenant Commander WM. A. KIRKLAND, U. S. N.,

"Commanding United States Steamer Wasp, (4th rate,) Montevideo."

Q. What time did you start from Montevideo?—A. I started from Montevideo April 7.

Q. Give a history of that voyage.—A. An account of all my movements is contained in the reports which I made from time to time to Rear-Admiral Davis.

Q. Furnish the committee with a copy of those reports.—A. I will read them from my letter-book.

"UNITED STATES STEAMER WASP, (4th rate,)

"SOUTH ATLANTIC SQUADRON,

"At anchor off Curupaiti, Paraguay River, April 30, 1868."

"SIR: In obedience to orders from Captain M. B. Woolsey, United States Navy, senior officer present, I left Montevideo on the 6th instant and proceeded to Buenos Ayres. Arrived there on the 7th, communicated with the United States consul, and received your letter of January 23, and another from the State Department at Washington for Mr. Washburn, minister resident at Asuncion, Paraguay. Left Buenos Ayres on the evening of the 7th instant, and proceeded up the river. On the 8th, at about 10 a. m., ran aground on the shoal to the westward of the island of Martin Garcia, through the ignorance of the pilot. Was unable to get the vessel off. On the 9th chartered a small schooner for one hundred and ten dollars, to receive our ammunition, provisions, spare chains, &c. On the 12th the United States steamer Shamokin came to our assistance, and received from the schooner the stores, &c. On the 13th, at 1 a. m., were off the bank and in the channel again, with no damage whatever, and a very clean bottom; vessel rather improved than otherwise. Received our provisions from the Shamokin and proceeded up the river. On the 16th arrived at Rosario, but were unable to commence coaling until the 17th, at midday. On the 18th finished coaling, having taken in seventy-eight tons, and steamed up the river. On the 23d ran aground twice, once below, and once in, the upper mouth of the San Gennime River. No damage done.

"On the 25th ran aground on the shoal between Points Sombrero and Sombrera. No damage done.

"On the 26th arrived at Corrientes. Was boarded by a Brazilian gunboat and informed that I could go up the Paraguay River as far as the fleet. Continued up, and at Cerrillo, the mouth of the Paraguay River, met another gunboat, which repeated the information. At Curupaiti were again boarded and allowed to anchor near her Britannic Majesty's gunboat Linnet. On the 27th visited the vice-admiral commanding, Baron de Imanha, and he at once forwarded my communications to the Marquis de Caxias, through General Arzollo, commanding the division encamped at Curupaiti.

"On the 28th I called on his excellency the Marquis de Caxias and some of the corps commanders of his army, and was shown a plan of the present defenses and attacking positions about Humaita. A copy, from memory, I herewith furnish you. The marquis promised me to forward the letters to Mr. Washburn, either on the 28th or 29th, but stated that Lopez had returned a former communication addressed to Mr. Washburn somewhere about the middle of the present month, with the intimation that he would not receive it.

"On the 29th I received an answer from my communication to the Marquis de Caxias, together with the receipt of the Paraguayan officer who met the flag of truce bearing the letters for Mr. Washburn. I send the originals herewith.

"The Brazilians are evidently anxious to have the vessel away from here, and are coolly civil—nothing more. The place is disgustingly dirty—intermittent fever prevailing—and the mosquitoes at times terrible. We are anchored off the Chaco side, about forty yards off the bank, in an unhealthy locality. I shall await the reply to my communication, allowing time for Mr. Washburn to receive and answer the dispatches, after which I shall drop down the river as far as Corrientes, about twenty-five miles, where there will be daily communication with this place, and much surer means of corresponding with yourself, besides being in every respect more healthy.

"In closing, I beg to observe that, in the exhausted condition of Lopez, he will be

unwilling to allow any one to quit the country, as correct information of his resources, &c., might be thereby obtained by the allies.

"I opine, therefore, that although he has received the dispatches, he will delay delivering them to Mr. Washburn as long as possible, and will throw every obstacle in his way should he desire to leave Asuncion and pass through the allied lines.

"The country is almost impassable, and Mr. Washburn will hardly be able to bring his family and baggage by land, even with the best conveyances. Lopez has no control over the river, and, of course, will not bring him by water, and it would be too much to ask the Brazilians to send a vessel (an iron-clad, of course) so far, when coal costs them one hundred and fifty dollars a ton. The Brazilians keep up a slow fire by night upon Humaita, but the enemy does not reply, except by picket-firing. He still has communication open by way of the Chaco. I should like orders about my further stay here, as my own judgment would induce me to return, after waiting, as above proposed.

"Respectfully,

"W. A. KIRKLAND,

"Lieutenant Commander, United States Steamer Wasp.

"Rear-Admiral C. H. DAVIS, United States Navy,

"Commanding South Atlantic Squadron."

"UNITED STATES STEAMER WASP, (4th rate,)

"SOUTH ATLANTIC SQUADRON,

"Off Corrientes, Paraguay River, May 15, 1868.

"SIR: I have the honor to inform you that I left Curupaity on the evening of the 14th and anchored here this morning, where I shall await instructions from yourself in case that I receive no answer from the Hon. C. A. Washburn.

"The allies have at length surrounded Humaita, but unless they storm the place they cannot expect to become masters of it under several months, as the garrison appears to be amply supplied with provisions.

"It may become possible (in the event of the capture of the Humaita) to go to Asuncion; in that case I shall take in sufficient coal here to enable the vessel to reach that place and to return here or to Rosario.

"I can thus receive Mr. Washburn at Asuncion, which I imagine to be the only feasible plan, for the reasons given in my communication of the 30th of April, viz, want of transportation to the allied camp and the unwillingness of Lopez to allow any one to leave his country.

"Before leaving Curupaity, intermittent fever had shown itself on board, and the men were suffering from mosquitoes and malarious influences. Besides there was no communication with the ports of La Plata, and the Brazilians evinced a dislike to having foreign men-of-war in their lines.

"I called on the admiral on the 14th and informed him of my intention to lay at this place and await the answers from Mr. Washburn. He volunteered to notify me at once in case Mr. Washburn should reach the allied camp or should send dispatches, but had no idea that the first-named event would take place.

"I am, sir, respectfully, your obedient servant,

"W. A. KIRKLAND,

"Lieutenant Commander Commanding.

"Rear-Admiral C. H. DAVIS,

"Commanding South Atlantic Squadron."

"UNITED STATES STEAMER WASP, (4th rate,)

"SOUTH ATLANTIC SQUADRON,

"Off Curupaity, Paraguay River, May 24, 1868.

"SIR: On the evening of the 21st instant I received at Corrientes communications from Hon. C. A. Washburn, minister resident of the United States at Paraguay, which I herewith forward, marked A¹. At daylight on the 22d I got up steam and ran up to this place; the same day I wrote a letter to the commander-in-chief of the allied forces, his excellency Marquis de Caxias, sending him an extract from Mr. Washburn's letter to me, and basing upon that extract a request from myself to be allowed to pass with the Wasp through the allied fleet to a place called Sacuara, below the mouth of the river Silicuary. I send a copy marked A². On the evening of the 23d I received an answer from the Marquis de Caxias which I herewith inclose, marked B, in which he refuses permission for the Wasp to pass through his fleet, but offers to transport Mr. Washburn's family and effects by land from Pilar or Tagy to Curupaity, provided Mr. Washburn comes down to either of those points in a Paraguayan steamer with a flag of truce.

"On the 24th I dispatched another communication to his excellency the commander-in-chief of the allied army, a copy of which I herewith inclose, marked C, and for-

warded through him at the same time an answer to Mr. Washburn, a copy of which I send marked D.

"The only point which I think requires to be remarked upon is the fact of my having requested permission, basing the request upon Mr. Washburn's statements.

"At the time of making the request, I felt that it would be refused, but as I am aware of the difficulty which Mr. Washburn created with Admiral Godon, and the great amount of letter-writing which took place between themselves, the Secretary of the Navy, and the Secretary of State, on the subject, I concluded it would save a great deal of after trouble and explanation could I throw the entire *onus* of the difficulty on the shoulders of the Brazilian marquis, which you will perceive he has offered, and I hope thus to save to the commander-in-chief and to myself a deal of troublesome correspondence with Mr. Washburn and party.

"I received from Mr. Washburn a letter from President Lopez directed to Colonels Allen and Martinez and Captain Cabral at Humaita, and another to Colonel Caballero at the fortification of Timbo, directing those officers to permit the Wasp to pass unmolested, at least so says Mr. Washburn's letter. I have retained these in case they should become useful.

"In the event of my having received permission to pass up the river with the Wasp, I had not entirely resolved upon so doing, as the river is very low, the torpedoes are of course constantly changing about, and there are several ranges of obstructions to be passed. I would have hardly considered myself authorized to have endangered the vessel and the lives of those on board unless under orders from yourself to do so or unless the case should have been a much more important one than that at present existing. I hope that as a diplomatic dodge it may meet your approbation. The Brazilians have not attacked Humaita as yet, but the rumor is that they will do so shortly. The British gunboat Linnet is here also, awaiting the downfall of Humaita in order, I believe, to precede the Brazilian fleet to Asuncion, and there embark some eighty women and children, wives and families of her Britannic Majesty's subjects detained in Paraguay by Lopez.

"It was told me the other day by the chief-of-staff, (naval,) Commodore Alvin, that Lopez had shot twenty-four or twenty-six prisoners, Brazilians, and among them a captain. His idea was that they were brutally murdered by Lopez.

* * * * *

"Very respectfully,

"W. A. KIRKLAND,
Lieutenant Commander.

"Rear-Admiral C. H. DAVIS,
Commanding South Atlantic Squadron."

"UNITED STATES STEAMER WASP,
Montevideo, June 19, 1869.

"SIR: I have the honor to forward herewith my correspondence since May 20, 1868, with his excellency C. A. Washburn, United States minister to Paraguay, and his excellency the Marquis de Caxias, commander-in-chief of the allied forces in operations against Paraguay:

"On June 7, I received from Mr. Washburn the letter marked F.

"On June 8, I wrote to M. de Caxias the letter marked G.

"On June 9, I received from M. de Caxias the letter marked H.

"On June 9, I wrote to Marquis de Caxias the letter marked I.

"On June 10, I wrote to Marquis de Caxias the letter marked J.

"On June 10, I wrote to Marquis de Caxias the letter marked K.

"On June 10, at 1 p. m., called on the Brazilian admiral and took leave. He attempted to introduce the subject of my not being allowed to pass the fleet, and pointed out some passages in a French work, which I read, but declined to discuss the question with him, and we parted on excellent terms. I am inclined to think that neither the admiral nor Commodore Alvin approved of the course pursued by Caxias, but they may have only been deceiving me. They both, however, deprecated any row with the American government. At 3.15 p. m. left Curupaity, and came down the river under one boiler, as I feared our coal would not hold out to Rosario in case we were delayed by grounding or otherwise. We reached Rosario on the 14th, and took in twenty-five tons of coal; left Rosario on the 15th, and reached Buenos Ayres on the 17th; left for Montevideo on the 18th, arriving here on the 19th. Many of the crew have been sick with fever and ague and billious fever, but none dangerously. We are all now in good condition.

"My reasons for taking the course above mentioned were the following:

"I had no orders from yourself in relation to the subject, and did not even know what your opinion on it might be. I concluded that if it was the wish of our government to insist upon the passage of the vessel as a right, no harm beyond letting Mr. Washburn remain for a short time longer where he is could be done; and if such is not its wish, the action advised by Mr. Washburn would have placed it in a false

position, and to get out of I, myself, would have been sacrificed, the benefits resulting from which I did not exactly see.

"M. de Caxias had resolved not to let the vessel pass, but wanted to gain time by repeating his former proposition, as even had he embarked Mr. Washburn in a Brazilian vessel, the land journey which that gentleman refused to make would still have remained, unless they should have passed the land batteries at Timba, in the Chaco, and at Humaita. The idea that Lopez would permit such unmolested passage of a Brazilian vessel was not entertained by the Brazilian commander-in-chief, for his naval aid, Captain De Cunha, (I think is his name,) called on me on the instant, and told me that Lopez was very anxious to have this vessel pass up, and the admiral also told me that in a dispatch captured by them, from Captain Allen, commanding at Humaita, to Lopez, the former congratulating the latter on the moral force which the passage of an American man-of-war would give to their cause, and he, the admiral, also remarked that Lopez wished us to come up. The concurring evidence of these two officers only proved what was very apparent to me before, that Lopez would not let a Brazilian vessel pass the batteries unmolested for the purpose of defeating an object in which he was so much interested. I knew that Caxias was only temporizing with me; in fact, humbugging me. Mr. Washburn did not protest to Caxias against his action, nor did he, that I know of, demand that the vessel should pass up. His talk about firmness on my part, and the government sustaining me, and his assuming so far as he could the responsibility, was, in my opinion, simply atmospherical. Why, his *quasi* "not to go below Corrientes until so ordered" was decidedly presumptuous. My only reply to it was that "of course his suggestions as to what I was to do could not be attended to." Another reason was the condition of the ship's galley, condemned by survey while in Rio de Janeiro, which we have not yet been able to replace, and which is now in a condition dangerous to the safety of the vessel. I send a report of three officers who examined it on the 9th of June. We have also thirty men whose times are out, and whose detention might seriously embarrass the commander-in-chief were any vessel of the squadron to return to the United States during the absence of this vessel in a point so distant. I have endeavored to act so as to avoid complication, and hope I have succeeded.

"Very respectfully, your obedient servant,

"WILLIAM A. KIRKLAND,

"Lieutenant Commander, Commanding.

"Rear-Admiral CHARLES H. DAVIS,

"Commanding South Atlantic Squadron."

Q. By whose order and under what instructions did you undertake your third voyage?—A. My report to Admiral Davis, dated September 22, 1868, published on page 65 of Executive Document No. 79, gives a detailed history of that voyage.

Q. Did you take Admiral Davis on the Wasp to Angostura, to procure the release of Bliss and Masterman?—A. I did.

Q. Were you ordered by Admiral Davis to proceed to the camp of Lopez for the purpose of verifying a supposed confession of Bliss and Masterman?—A. I was ordered by Admiral Davis to go to the camp of Lopez for the purpose of hearing these declarations read.

Q. Did you go there?—A. I did.

Q. Who accompanied you?—A. Fleet-Captain Ramsay.

Q. What time of the day did you arrive?—A. Some time about the middle of the day.

Q. To whom were you presented on your arrival?—A. We were not presented to anybody. I asked to see Lopez.

Q. Did you see him?—A. I did; I saw Lopez and also Mrs. Lynch.

Q. What transpired during that interview?—A. We told him we had come to hear the declarations of those men. We found Lopez sitting in a hut. They had just been celebrating what they called a victory, and I think I congratulated him upon it.

Q. Did he say anything in regard to Bliss and Masterman?—A. Not a word, that I remember. If he did say anything it was merely that the judges would be ready in a short time. I do not remember that he said anything about it. I saw them as soon as we got over to the ranche occupied by the fiscales.

Q. State particularly what occurred on that occasion from beginning to end.—A. I will premise by stating that I thought the whole thing was ridiculous, and I did not pay any particular attention to it, except to some parts of it.

Q. Why did you regard it as ridiculous?—A. I knew that their declaration would not amount to anything in the United States. I thought it was a piece of ignorance on the part of the Paraguayan authorities.

Q. You had heard of the declarations before you started for Paraguay?—A. I do not remember about that.

Q. What was your impression before you went into this court of justice?—A. My impression was that it was a humbug.

Q. What was your impression as to the truth or falsity of the confessions?—A. I thought some of it might be true.

Q. Was the impression on your mind that it was a true confession, or that it was a false one?—A. I cannot say that there was any impression on my mind at all. I thought it was a humbug.

Q. What impression was there upon your mind as to whether it was a voluntary confession or an extorted one?—A. My impression was that it was not worth a cent.

Q. Because it was extorted?—A. Because it was something that would not amount to anything in the United States, and the men would say anything they liked.

Q. Did you believe before you heard those confessions, before you saw Bliss and Masterman, that the confessions were the result of torture?—A. I was always under the impression that a confession made by a person in confinement was a false one.

Q. Now relate what occurred at this tribunal; who were present on the part of the Paraguayan government?—A. There were two judges, or, at least, I supposed they were judges. One or both of them were priests. There were two men whom I think were Paraguayan officers, and one man was reading these declarations. One or two of these men came in from time to time. I think there were four or five Paraguayan officers there.

Q. Who was first brought in?—A. Mr. Bliss.

Q. Did you have any conversation with Bliss when he first came in?—A. I do not think I did.

Q. Did either you or Captain Ramsay make known your character?—A. I think one of the parties present said: "These officers are here to witness your declaration."

Q. Did he state who you were—that you were United States naval officers?—A. I do not remember.

Q. Were you in uniform?—A. I was in uniform and so was Captain Ramsay, without swords on.

Q. Did either you or Captain Ramsay inform Bliss and Masterman that your object was to effect their release?—A. I do not think I did, but they knew it.

Q. How did they know it?—A. Because Masterman asked us if they were to go with us then.

Q. When was that?—A. It was after they got through making their declarations.

Q. You held no communication whatever with Mr. Bliss?—A. I might have asked him his name.

Q. Did you know that he was an American citizen, attached to the American legation?—A. I recognized him as soon as he came in the room as having seen him on board the United States steamer Pulaski, when he was in the employ of General Webb.

Q. You knew, as a matter of current history, that he was attached to Washburn's legation?—A. Yes, sir.

Q. But you did not make known to him the object of your visit?—A. I do not think I did.

Q. Describe what was done after Bliss was brought in; what was his personal appearance?—A. He looked like a man who had been shut up a long time. He was pale.

Q. Could he walk?—A. I did not see anything out of the way in that respect. He is not naturally a very graceful man.

Q. Did you see anything about him that led you to believe that he had been placed in irons?—A. The legs of his breeches were considerably worn. I should think from that he had been in irons.

Q. What occurred after Bliss entered?—A. He came in and these declarations were read over to him by these men. I did not pay particular attention to them, as I thought the whole proceedings a humbug.

Q. Did you regard Messrs. Bliss and Masterman at that time as under the control of the Paraguayan authorities?—A. I did.

Q. You did not exercise any control over them?—A. No, sir; I was not sent there for that purpose.

Q. You were sent there to hear what you style a humbug proceeding being gone through with?—A. Yes, sir.

Q. About what time did they close this examination?—A. It was nearly dark.

Q. Did you seek any interview with Mr. Bliss after that?—A. No, sir.

Q. Did you make any communication to him of the arrival of the Wasp and the object of the admiral's visit?—A. I did not.

Q. Why did you not do so?—A. It did not occur to me to do it. I knew that the men were going to be delivered up.

Q. Did you have any promise that these men would be delivered up?—A. Yes, sir. I carried the admiral's letter to Lopez, and he told me then that these men would be delivered up.

Q. At what time did these men reach the boat?—A. It was after I had gone to bed, I remember. I was called up and told that these men had arrived.

Q. What orders did you then give?—A. I went out and saw a Paraguayan officer

standing at the gangway. I told the officer of the deck to let these men come on board. They did so, and I said: "Well, here you are," or something of that kind.

Q. Did you inform them of your position on your boat?—A. I do not know. I was addressed as captain by everybody.

Q. What orders did you give in regard to their reception?—A. I told the officer of the deck to send for the master-at-arms and have these men taken to the yeoman's storeroom and made comfortable. I asked them if they wanted anything to eat, and I think Bliss said he wanted coffee.

Q. What orders did you give in regard to their being placed in charge of the master-at-arms?—A. I told him to put a sentry over them, and not allow the men to interfere with them. They were put under my supervision, and as I could not watch them, I put another man to do it.

Q. Did you regard them as temporary visitors to the Wasp?—A. I did not call them anything at all. I did hear that they were guests; but they were not my guests.

Q. How long was that sentinel placed over them?—A. I think that sentinel remained there as long as they remained on board the Wasp.

Q. Did they desire to have an interview that night or the next morning with Admiral Davis or General McMahon?—A. I do not think any application was made to me either for an interview with General McMahon or Admiral Davis. I think it was, however, the subject of conversation in the cabin.

Q. Was there any interview granted?—A. I do not think there was.

Q. Do you know of General McMahon having any interview with them?—A. I do not think he had.

Q. You were on the vessel all the time?—A. Yes, sir.

Q. Could the general have obtained an interview without your consent after you had placed a sentinel over them?—A. Yes, sir.

Q. What was your object of putting the sentinel over them?—A. Not to allow the men to interfere with them.

Q. What do you mean by not allowing the men to interfere with them?—A. I did not want the men to worry them. I remarked to some of the officers that these men were going to get us in some squabble when they got to the United States, and the less we had to say to them the better.

Q. What reason had you to suppose they would get you into a squabble?—A. I thought that was the diplomatic character to get people into squabbles.

Q. Then your object in placing these sentinels over these men was to protect them?—A. I thought that the whole proceeding was a piece of humbug.

Q. Suppose the sentinel had allowed them to go ashore, would you not have punished him?—A. I would, undoubtedly.

Q. Then the sentinel would not have regarded it as a piece of humbug?—A. Perhaps not. The vessel, however, was under way. When these men came on board the admiral had turned in. I went to his state-room door and reported that Bliss and Masterman had come on board. He said: "All right, captain, take care of them;" which I did.

By Mr. WILKINSON:

Q. Suppose any other man than an officer had endeavored to have had a conversation with them, would the sentinel have allowed it?—A. I think he would. He was merely to watch them. I gave him no orders. It was merely a piece of naval red-tape. It was to keep my skirts clear in case they got away.

By Mr. ORTH:

Q. How long did they continue in your charge?—A. Until we reached Montevideo. They were then transferred to the Guerriere. While on board my ship they messed with the petty officers.

Q. Was there any objection made to them by the officers of the mess?—A. Not on board the Wasp. I told the officer of the deck to have the master-at-arms to take the men and make them comfortable. I had no object in treating them with incivility. There was no other place on board the ship to put them but the storeroom. It was cool and pleasant. Masterman said when he came on board that he had held the rank of lieutenant in her Majesty's service, and that Bliss was the son of a minister. I said: "What has that to do with it?" He replied: "You call us men." "Well," said I, "what are you—are you girls?"

Q. When you say you wanted to protect them from the men, do you mean to say that there was a hostile feeling on the part of the men?—A. No, sir; I merely said: "Take these men and put a sentinel over them, and allow nobody to interfere with them." I cannot state what my object was in saying that. They occupied a somewhat anomalous position.

Q. Did not Mr. Bliss occupy the position of a rescued American citizen, who had been falsely imprisoned?—A. I do not know anything about it, except that he was put aboard the ship.

Q. Did you not know that he was an American citizen, and that the object of your voyage was to secure his release.—A. Yes, sir; I was to secure him for the government, which I did. I knew that the admiral had said that he would hold these two men subject to the order of the government of the United States.

Q. Did he say that to Lopez?—A. I do not know that he said that to Lopez. That was my impression in receiving these two men.

Q. I thought you said the admiral said that?—A. No, sir. I had heard it said that that was the admiral's intention. I regarded these men as subject to the order of the government of the United States. I was merely an agent of the admiral, and they were placed in my hands for the time being.

Q. Had you received any information in regard to these men that impressed you unfavorably?—A. I thought that Bliss was an outrageous liar.

Q. What reason had you to think that?—A. I thought from hearing these declarations. He made some statements under oath in them, with reference to letters which he said Mr. Washburn had written to me, and which I had written to Mr. Washburn. These statements were utterly untrue, and I told one of the Paraguayan officers that that fellow was a liar.

By Mr. WILKINSON:

Q. Did this letter, which Mr. Bliss said had been sent you, and which statement you pronounced a lie, implicate you in the conspiracy in any way?—A. I do not know whether it did or not. He merely stated that Mr. Washburn had written me a letter of a certain date, which was utterly false. I think he said that the letter ordered me to go to Buenos Ayres. Mr. Washburn had written nothing of the kind. I had also seen this book of Bliss's against Mr. Washburn, which I threw away as disgusting.

Q. Was there anything in Bliss's declaration, which was read in your presence, that in any way connected you with the conspiracy?—A. I think there was something in this declaration saying that I was the medium of communication between the Paraguayan minister and Marshal Caxias.

Q. Did they not, at that time, make admissions of the criminal conspiracy of Mr. Washburn?—A. I think they did. When Bliss came in to make these declarations, I recognized him as the former private tutor of General Webb. He brought Bliss down from Rio Janeiro to Montevideo, in the sleep-of-war Jamestown, and took him up to Buenos Ayres. General Webb told me, in the presence of the first lieutenant, that this man Bliss was very smart, very intelligent, and very learned; but that he was most unprincipled, and that he was afraid his company would contaminate his children. Mr. Washburn also remarked, more than once, that Bliss was a walking encyclopædia of knowledge, but a most unprincipled man. I was not very much struck with Bliss's appearance, and from these things I had heard about him, I did not think very favorably about him.

By Mr. SWANN:

Q. Did you listen attentively to these declarations while they were being read?—A. Yes, sir.

Q. You understood what they contained?—A. I understood very nearly every word that was read.

Q. Did you say that you carried the original communication from Admiral Davis to Lopez?—A. Yes. Lopez told me, at that time, that these men would be delivered up; that there was no doubt about their being delivered up.

Q. Did you understand that Lopez would deliver these men up unconditionally?—A. Yes; I did.

Q. Did Admiral Davis understand, after he received the reply from Lopez's ministers, making conditions, that these conditions could not be granted by himself?—A. I think that he and General McMahon both read the letter over, and came to the conclusion that they could not accept any condition; that the men must be delivered up unconditionally. I was present during most of these consultations, and heard a great deal of talk about it.

Q. So that Admiral Davis did not treat these conditions as amounting to anything?—A. No, sir. He wrote back that he would not accept these conditions.

Q. Did he write any other letters than those that are published?—A. No, sir; not that I know of.

Q. How did these gentlemen conduct themselves while on board of your ship?—A. Very quietly. I never heard anything about them, one way or the other, except the day after they came on board. I ordered Surgeon Gale to examine them. I think he said that Bliss had a slight diarrhoea, probably caused by long confinement or change of food. I ordered him then to examine the persons of these men, to see whether they had been subject to torture, with a view of entering it in the log-book of the ship. The doctor reported that there were no signs of torture about them.

Q. Did the doctor make the examination?—A. He so reported to me.

Q. Was that a verbal report?—A. Yes, sir.

Q. You state that there was no communication between the admiral and these gentlemen, while they were on board. Did they have any interview with the admiral?—A. I do not recollect whether they did or not. Probably if they had asked an interview with the admiral, it would have been through me.

By Mr. WILKINSON:

Q. You stated, as I understood, that they asked an interview with General McMahon.—A. I believe they did. I have it so in my mind. Whether I got it from reading the memorial of Bliss and Masterman, or whether it was discussed on board the ship, I do not know; but I think such a request was made, and that the general did not see them; but what his answer was, or anything about it, I cannot state.

By Mr. SWANN:

Q. All the information, I understood you to say, you had in regard to Bliss, you obtained from General Webb and Mr. Washburn, and from the book which was circulated?—A. Yes, sir; and this declaration he made before me. I thought that that was rather cheeky, to make such a statement in my presence.

Q. You had no evidence outside of that?—A. I have been a long time in the waters of the La Plata, and I heard it frequently expressed that he was a spy of Lopez, in Washburn's house, and that he would betray Lopez as soon as he had an opportunity.

Q. Was that general rumor there?—A. I heard it on several occasions, from different parties. The general impression I had was, that he would not tell the truth to save his life; and when I saw that book which he published, it was so scandalous that I would not read it.

Q. Who published that book?—A. I cannot tell you. General McMahon borrowed it from the Italian minister at Buenos Ayres.

Q. When was it published?—A. I do not know.

Q. Was it not published during his captivity by Lopez?—A. I do not know.

Q. When did you first see the book?—A. General McMahon had it. He brought it up from Buenos Ayres, and I saw it lying in his room. I picked it up and glanced over it. When I saw the nature of it I threw it aside.

Q. How could he publish it when he was in imprisonment?—A. I do not know anything about that. I merely say that he published it, from the fact that his name was signed to it.

By Mr. SWANN:

Q. You state that you consider this whole proceeding of sending you and Captain Ramsey to hear these declarations read, and to certify to the fact, as a piece of humbug?—A. Yes, sir.

Q. Do you mean by that to reflect on Admiral Davis that he had sent you when there was no occasion for such proceeding?—A. O, no; I would have done exactly the same had I been in Admiral Davis's place. It was done to humor Lopez. The Paraguayans are excessively sharp about some things, and not so about others. They think they know a great deal, and they thought by having the signatures of two officers of the United States to these declarations they would be worth more in this country. I knew that it would not be worth anything, but they thought so. It was well enough to humor them; I looked upon it as a perfect mummery.

Q. Do you think that Admiral Davis was bound in good faith to receive these men on board and take them to the United States according to the terms that Lopez asked?—A. I do not think that he was. I think that the admiral was perfectly right in taking these men.

Q. The point I want to get at is this: Captain Ramsay stated in his testimony the day before yesterday in regard to allowing these prisoners to have any communication with the shore that it was bad faith with Lopez if the admiral had allowed any such intercourse; now I want to know if you think the admiral was bound in good faith to carry out such conditions?—A. By all means.

Q. Why?—A. He had brought these men right from the Paraguayan camp, and to take them out and turn them loose right in the enemy's camp, I should think a breach of good faith and an act which I as a military commander would not like to have practiced on me.

Q. Was it a breach of good faith or a breach of the condition of Lopez's stipulations?—A. It was merely a matter of good faith.

Q. Suppose one of the members of this committee were in Paraguay and sent a written order to the admiral, stating that he was confined there, unable to get away, and wanted the admiral to take him away, and he was taken away and was taken on board the ship, how would he be treated?—A. I cannot answer the question unless I know how you came on board.

Q. Suppose we had appeared on the bank of the river and had written a letter to the admiral that we had been detained by Lopez in that country and had been unable to get away; that we had escaped from his imprisonment, and that we were American

citizens and claimed the protection of the American flag, and the admiral had received us on board, would you have felt it your duty to keep us under guard?—A. No, sir; if you had escaped from the Paraguayan power, and came to the beach, so that I could have got you on board my vessel without the consent of the Paraguayan authorities, I would have allowed you to go on shore anywhere you pleased; but if you came on board by the consent of Lopez, it was then another thing; I would then have felt it in good faith not to have allowed you to communicate with his enemies.

Q. So, then, you treated Bliss and Masterman different from what you would have treated men who had come on board under other circumstances than they did?—A. Yes, sir; in regard to landing them. I regarded the fact of their having been put on board by the Paraguayan authorities as demanding in courtesy from us that they should not be allowed to communicate with their enemies.

By Mr. ORTH:

Q. Suppose that Lopez had surrendered these prisoners into the hands of the admiral unconditionally, would your treatment have been different from what it was?—A. Just the same, with exception, perhaps, of the orderly.

Q. That is to say, that you would have placed them in the same mess?—A. Certainly.

Q. Would you have placed them in charge of an orderly or sentinel?—Q. If I considered them as being subject to the orders of the United States, I most undoubtedly would have done so.

Q. You have already stated that you knew Bliss and Masterman had been members of the legation in Paraguay prior to their arrest?—A. I had heard so.

Q. Did that have any influence in regard to your treatment of them?—A. If they had been secretaries of Mr. Washburn's legation, or prominent members of it, they would have been allowed to mess in the wardroom, but they would have had the same place to sleep, as there was no other place in the ship. These men, however, occupied subordinate positions in the legation, and I put them in the petty officers' mess, among very respectable men, one of them an apothecary, too.

By Mr. WILKINSON:

Q. Suppose Mr. Washburn had been arrested at the same time that Bliss and Masterman were, and he had been delivered up with them under the same circumstances, would you have prevented his having intercourse with the people of Buenos Ayres?—A. Yes, sir; I would, most undoubtedly.

By Mr. WILLARD:

Q. Mr. Bliss, in his testimony, says that at this tribunal one of the Paraguayan officers sat before him with a sword in his hand held over him?—A. None of the officers present had drawn swords; that statement is utterly false.

By Mr. WILKINSON:

Q. You said that this treatment you extended to Bliss and Masterman was an act of courtesy to Lopez?—A. What treatment?

Q. The preventing them from communicating with the shore.—A. I do not say that it was a courtesy to Lopez, but simply common courtesy which I would extend to any nation.

Q. Do you think that any nation that takes citizens from under the American flag, as Lopez did, is entitled to any courtesy from the navy?—A. As far as my judgment of the matter goes, I think that these men should have staid in the legation of the United States at Asuncion.

Q. I ask you if you think there is any courtesy due from the navy of the United States to a government that shall violate the American flag by seizing an American citizen who is legally under the protection of that country, as Lopez did Bliss and Masterman?—A. They were not under the protection of that flag, so far as my judgment goes; I am not, however, a diplomat.

Q. Do you think an American citizen, under the protection of the American government in any foreign mission, the moment he leaves his house can be arrested?—A. If he commits any crime, the flag does not protect him outside of the legation.

Mr. Washburn desires me to read to you a paragraph from one of his letters:

"Before finally leaving Paraguay, it is my duty to make my solemn protest against the arrest of those two members of my legation, Porter Cornelius Bliss and George F. Masterman. Their arrest in the street, as they were going with me from the legation to pass on board the steamer, was as gross a violation of the law of nations as would have been their seizure by force in my house. It was an act, not only against my government, but against all civilized powers, and places Paraguay outside of the pale of the family of nations, and for this act you will be regarded as a common enemy, one denying allegiance to the law of nations."

Mr. Washburn desires me to ask whether you agree to the doctrine laid down in that paragraph?—A. I do not think that these two men were exempt from capture; as soon as they went out in the streets of Asuncion they were outside of the legation.

By Mr. ORTH:

Q. If the arrest of Bliss and Masterman was legal, as you hold that it was, what right had the American government to demand their release?—A. The strong arm of the government; I do not know, in fact, that it had any right.

By Mr. WILKINSON:

Q. Then your opinion is that if the Paraguayans had gone into the house and arrested them it would have been a great outrage?—A. I think it would have been a *casus belli* at once.

Q. By going out of the house with Mr. Washburn they were liable to be arrested at once?—A. I think so. If they had an American flag in their hand, it might make some difference.

Q. Suppose Lopez had arrested Mrs. Washburn after they had gone out of the door and were proceeding toward the vessel on any charge he might make, would you have considered her under the protection of the flag?—A. I suppose she was entitled to the same protection as the minister himself.

By Mr. ORTH:

Q. I hold in my hand a copy of the Buenos Ayres Standard, published in December last, and referred to in the testimony of Dr. Duvall. I would like to call your attention to the paragraph in noticing the arrival of the Wasp.—A. I do not know anything about it.

Q. You never furnished that information?—A. No, sir; I did not. I never furnished any information to any newspaper or reporter in my life.

Q. Did you bring with you from Paraguay copies of the Paraguayan newspapers containing the correspondence between Mr. Washburn and the Paraguayan government?—A. I did.

Q. Did you give them to persons in Buenos Ayres?—A. I did; I gave them to John F. Gouland, my brother-in-law.

Q. Were they made public?—A. I do not know; I would not be surprised if they were.

Q. Did you not bring any private letters with you?—A. No, sir; I brought public letters from the Italian consul.

Q. Do you not recollect of a letter to George D. Stewart?—A. I think now that I did bring a letter to him.

Q. From whom did you receive that letter?—A. I think it was from his brother, Dr. Stewart.

Q. Who was Dr. Stewart?—A. He was surgeon in the Paraguayan army.

Q. Do you know the contents of the letter?—A. I do not.

Q. Might you not, by doing so, have assisted the Paraguayan forces, and thus interfered with the neutrality which you said you desired to preserve?—A. Well, perhaps I might.

Q. You were not made aware of the contents of the letter?—A. I do not think I was. I am not in the habit of reading letters. If it was open, I may have considered that as sufficient guarantee that it was all right. This Mr. Stewart was engaged in a large lawsuit with the Argentine Confederation about some yerba. I had known him up there, and had been to his house.

Q. Was this at the same time that you refused Bliss and Masterman to land at Buenos Ayres?—A. I never refused Bliss and Masterman; they never asked permission to land, or to communicate with anybody.

Q. Would you have granted permission?—A. No, sir; I would have referred it to the admiral.

Q. Was this Dr. Stewart a member of Lopez's staff?—A. I understood that he was.

Q. Will you state whether you had any prejudice against Mr. Washburn, in consequence of the troubles between him and Admiral Godon?—A. No, sir; I thought it was a free fight between a diplomat and an American admiral, and it was no business of mine to interfere.

Q. You had no prejudice either for or against Mr. Washburn?—A. No, sir; I had not.

Q. Had you read the correspondence which Mr. Washburn had with Admiral Godon?—A. I read some parts of it.

Q. Do you know anything of the relations that existed between Marshal Caxias and Mr. Washburn?—A. I think I heard Mr. Washburn express himself not very favorable to Mr. Caxias. I do not recollect the exact words he used, but it was not at all complimentary.

Q. What do you know about Caxias's feelings toward Mr. Washburn?—A. I do not know anything about that.

Q. Did you and Marshal Lopez have any conversation about this conspiracy?—A. I told President Lopez that I did not believe Mr. Washburn was connected with any conspiracy; I have not only said that once, but repeated it.

Q. Did you give Lopez any reasons for that belief?—A. I cannot recollect, but I think I did. I think I said that he was opposed to the Brazilians.

Q. Did you say anything about who was to be President, or who was to be Secretary of State here?—A. I think I did say that General Grant was likely to be President, and Mr. Washburn would stand high in the radical party. I said he would command a great deal of influence, and would be a troublesome man to deal with.

Q. Did you say that General Grant would probably be President, and that Mr. E. B. Washburn would have the place of Mr. Seward?—A. I may have said that.

Q. Did you say anything about monitors or iron-clads that were on the coast?—A. I think I did.

Q. Why?—A. It was just to let him know that in case he did not deal fairly with us he would have something to fear, and it was merely to scare him.

Q. Did you regard Mr. Washburn as in any danger?—A. No, sir; I never did. Mr. Washburn, I understood, used to go out riding on horseback from Asuncion every day, and it would have been a very easy thing for Lopez to have killed him any time he wanted; nobody would have known anything about it. Lopez needed not to go into his house and take him and put him in prison.

Q. Had you any evidence, derived from any person outside the power of Lopez, that there was at any time a conspiracy against his government?—A. It was a subject of general report down there. I presume there was, or he would not have executed several of his best men.

Q. In your letter (marked "private") to Admiral Davis you say this: "Mr. Washburn told me that he had never heard anything of a revolution or conspiracy against the government; but on one occasion Mrs. Washburn, when her husband was not present, stated there was a plan to turn Lopez out of power, and to put in his place his two brothers, Venancio and Benigno." Please state the circumstances under which you received this information.—A. It was on the passage down the river, two or three days after we left the batteries. Mrs. Washburn said distinctly that there was no conspiracy, but that there was a plan. It was at the dinner-table. Mr. Washburn had finished his dinner, and had gone out for something, and shortly after came back. This remark struck me as rather singular, and I wrote of it to the admiral. I know that she made a distinction between the words "conspiracy" and "plan."

Q. Was any person present?—A. Yes, sir; a Mr. Davie was present.

Q. Who was he?—A. He went up with me as an interpreter and translator, and assisted me in writing.

Q. Did Mrs. Washburn, at the time and in connection with the remarks that you have just stated, say that there was no conspiracy?—A. We were speaking of Lopez and the country and the people, and she said there was no conspiracy, but that there was a plan to turn Lopez out.

Q. Why did you not so state in your letter to Admiral Davis?—A. I believe it is so stated.

Q. Did you inform Mr. Washburn of what Mrs. Washburn had said?—A. I did not.

Q. Did you confer with him about it?—A. No, sir. I have with me here the affidavit of Mr. Davie, in reference to the circumstances, which I would like to offer.

Q. What is Mr. Davie's business?—A. He is a sheep farmer.

Q. What was your object in bringing this affidavit with you?—A. So as to be prepared in case my statement should be denied.

Q. You seemed to apprehend, before you left Montevideo, that it would be denied.—A. I did not know whether it would or not. I wished to be provided with evidence of the correctness of my report in case it should be doubted by Mr. Washburn.

Q. Did you bring affidavits in regard to other statements in the report?—A. No, sir; I did not. I have brought affidavits of other parties to other statements, not made, however, in connection with Mr. Washburn, but which are connected with the Paraguayan business. It is in regard to a statement made by General Webb in a letter to Mr. Washburn, which was published in a letter to the New York Tribune on May the 5th, in which I am accused of being the son-in-law of Lopez's political and financial agent. I have the affidavit of my father-in-law that he was in nowise connected with him.

"CONSULATE OF THE UNITED STATES OF AMERICA,
"Montevideo, July 9, 1869.

"On the day of the date hereof, before me, the undersigned, consul of the United States of America for Montevideo and its dependencies, personally appeared Charles J. F. Davie, who being by me duly sworn, deposes and says: That being on board the United States ship Wasp on her voyage to Paraguay, with approbation of the commanding officer of the United States squadron on the station, was present in the captain's cabin when the Hon. Charles A. Washburn, ex-United States minister to Paraguay, then on his return from Asuncion, stated his strong wish and determination to communicate to Marshal Caxias, the Brazilian commander-in-chief of the allied forces in operation against Paraguay, all the information he was possessed of, and which he might have obtained in his official capacity, regarding the number of Marshal Lopez's forces, their position and strength, and plan of operations, requesting Captain Kirk-

land to stop on his voyage at Humaita to allow the said Mr. Washburn to impart this intelligence to Marshal Caxias, by going on shore to his military camp for that purpose, and upon which Captain Kirkland refused to stop the vessel for any such purpose, and stated that, in event of his being required to do so, he should be under the necessity of communicating the case and reporting Mr. Washburn to his government. Was also present at table, on another and subsequent occasion, when, Mr. Washburn having left the table, Mrs. Washburn alluded to the revolutionary plan against President Lopez, which she and Mr. Washburn had been cognizant of, to upset Lopez's government, and to put one of his brothers, Benigno and Venancio Lopez, in his place.

"CHARLES J. F. DAVIE.

"Sworn and subscribed to, this ninth day of July, A. D. 1869, before me.

[SEAL.]

"J. DONALDSON LONG,
"United States Consul."

Testimony of Mrs. Washburn.

NEW YORK, October 29, 1869.

Mrs. CHARLES A. WASHBURN sworn and examined.

By Mr. ORTH:

Question. Are you acquainted with Captain Kirkland, of the navy?—Answer. Yes, sir.

Q. Where did you make his acquaintance?—A. First at Rio Janeiro.

Q. Where did you meet him afterward?—A. I do not remember whether I saw him at Buenos Ayres before we went to Paraguay.

Q. Did you meet him in Paraguay?—A. I met him on my return.

Q. What time was that?—A. In September, 1863, I think.

Q. You and your husband were guests on board the Wasp?—A. Yes.

Q. Captain Kirkland was a witness before this committee, and this passage occurs in his testimony: "Question. In your letter (marked 'private') to Admiral Davis you say this: 'Mr. Washburn told me that he had never heard anything of a revolution or conspiracy against the government; but on one occasion Mrs. Washburn, when her husband was not present, said that there was a plan to turn Lopez out of power, and to put in his place his two brothers, Venancio and Benigno.' Please state the circumstances under which you received this information?—Answer. It was on the passage down the river, two or three days after we left the batteries. Mrs. Washburn said distinctly that there was no conspiracy, but that there was a plan. I said nothing to her about it after this remark. We were at dinner, and Mr. Washburn had finished his dinner and had gone out for something, but shortly afterward came back. The remark of Mrs. Washburn struck me as rather singular, and I wrote of it to the admiral." Please state your recollection of that conversation.—A. I do not remember ever to have had any conversation with him about it, more than that we were all conversing about the conspiracy. I could not have said that there was a plan or conspiracy, because I did not then believe it; but I may have said that at one time we may have supposed there was, because of the arrest of people, &c. I did not then believe that there was a conspiracy, and, of course, could not have said there was one. I do not remember definitely what occurred on the voyage, as I was very nervous and suffered a great deal.

Q. Do you recollect conversing about this matter at any other time?—A. We conversed on this subject all the way down. It was the thing uppermost in our minds.

Q. You do not remember having said at any time that there was a conspiracy or plan?—A. No, sir.

Q. Had you then reason to believe that you would not have been permitted to leave Paraguay had you remained much longer?—A. I did so believe. I think if we had remained one week longer Mr. Washburn would have been in Lopez's hands, and I would have been sent barefoot over the mountains.

Q. Were you acquainted with Bliss and Masterman?—A. Yes, sir.

Q. Were they in your house at the time you left and for some time previously?—A. Yes, sir. Mr. Masterman was our private physician, and Mr. Bliss was interpreter to the legation.

Q. What do you know of Bliss and Masterman approving the course pursued by Mr. Washburn in leaving Paraguay?—A. I think they approved of his course entirely, because we all supposed that Bliss and Masterman would be taken any way, as they had no passports.

Q. Were passports refused them?—A. Yes, sir. The course pursued by Mr. Washburn was fully understood by them.

Q. Are you acquainted with Admiral Davis?—A. I met him twice.

Q. Where did you first meet him?—A. In Buenos Ayres.

Q. On your return from Asuncion?—A. Yes, sir.

Q. What was Admiral Davis doing there at that time?—A. He came up with General McMahon. I do not know what for, but I presume to see the minister resident there.

Q. What was the name of his vessel?—A. The flag-ship *Guerriere*.

Q. Were you and Mr. Washburn invited by Admiral Davis at any time to go on board the *Guerriere*?—A. No, sir; never.

Q. Did the admiral know of your being there?—A. Yes, sir; because he met Mr. Washburn on shore.

Q. Was it a matter of surprise to you that, under the circumstances, Admiral Davis did not invite you and your husband on board his vessel?—A. It was. I thought he treated us with great discourtesy. We spoke of it when we reached Rio Janeiro to General Webb and Mrs. Webb. We thought that under the circumstances we were entitled to that consideration.

Testimony of Hon. Martin T. McMahon.

WASHINGTON, D. C., November 4, 1869.

Hon. MARTIN T. MCMAHON sworn and examined.

By Mr. ORTH:

Question. What position under the government have you recently filled?—Answer. The position of minister resident of the United States near the government of Paraguay.

Q. When did you receive your appointment, and when did you leave for your post?—A. I received my appointment, I think, about the end of June or the first part of July, 1868. I started for Paraguay on the 24th of September of the same year.

Q. At what time did you reach Rio?—A. I cannot give the exact date without referring to memoranda—in about twenty-six or twenty-eight days' time after leaving here.

Q. What mode of conveyance had you from Rio to Paraguay?—A. I went from Rio to Montevideo on the flag-ship *Guerriere*; from Montevideo to Buenos Ayres in a private packet ship; and from Buenos Ayres I went to Paraguay on the United States steamer *Wasp*, which was then the flag-ship of the South Atlantic squadron, having Admiral Davis on board.

Q. Who was in command of the *Guerriere*?—A. Captain Woolsey was in command of the *Guerriere*, and Admiral Davis in command of the squadron.

Q. Were you invited by Admiral Davis to take passage on his vessel?—A. Yes, sir.

Q. You had made no request of him prior to being invited by him?—A. No; because I was accompanied by my family, and I was under the impression that I would have to go on a packet and meet the Admiral at Montevideo. I accepted his invitation conditionally—that if I could, I would make arrangements to send my family to Montevideo by private packet.

Q. Did your family accompany you to Montevideo?—A. Yes, sir. Afterward the admiral made arrangements for them on the flag-ship *Guerriere*; but as the accommodations on the *Wasp* were insufficient for so large a party, I took my sisters from Montevideo to Buenos Ayres on a packet-ship, and rejoined the admiral at the latter place on the *Wasp*, my sisters remaining in Buenos Ayres. My family consisted of my three sisters. I have no wife.

Q. At what point in Paraguay did you land?—A. At Angostura.

Q. Had you any difficulty in passing through the lines of the allies?—A. None whatever. Permission had been obtained for me to pass, by Mr. Worthington, at Buenos Ayres, prior to my arrival there.

Q. At what time did you reach Angostura?—A. It was in the beginning of December, 1868.

Q. Did you and Admiral Davis have any consultations during your passage from Rio to Angostura, as to the manner in which you should proceed, upon your arrival there?—A. Yes, sir; frequent consultations.

Q. State what they were, and what conclusions you arrived at?—A. Upon my first interview with Admiral Davis, I found we both, after profound reflection, had come to the same conclusion as to the necessity of my going to Paraguay accompanied by a naval force. The admiral informed me that only four vessels of the squadron could ascend the river, but that if I thought it advisable, he would transfer his flag to one of the smaller vessels, and proceed with me. I told him I thought it advisable to make as imposing a display as possible, and that I would regard his presence as important. I cannot give our subsequent conversations in detail; but I was living with

him, at his table, and we talked these matters over frequently. I explained to the admiral that I thought if this Bliss and Masterman matter could be arranged satisfactorily in such a way that, while maintaining the honor of the government, the necessity of sending an expedition to Paraguay could be obviated, and a war, in which there was certainly no credit to be gained, averted, it would be a very desirable thing to do, and that, for my part, I was most anxious, on that account, to proceed in the matter without waiting instructions from the government; so that if we could possibly arrange it as we hoped, even though I might act contrary to the subsequent advices of the government, I was willing their censure should fall on me, because, at the same time, the question would be settled. The admiral agreed with me in this view, and thought it desirable to take this action. At that time there was great excitement in every part of South America on this subject, and a very natural feeling and desire on the part of the allies that complications should arise between the United States and Paraguay, and produce a rupture. I felt pretty certain there would be some feeling of excitement in the United States upon the receipt of the news of the seizure of these two men; but I felt confident that they would be delivered to us upon our demand, and I was afraid that perhaps the instructions of the government, being based upon insufficient information, might order some more violent proceeding, in such a way that a peaceable settlement would be out of the question. I was anxious, therefore, to proceed without waiting for further instructions. In this the admiral thought I was acting wisely; and we then discussed the mode in which we should proceed upon our arrival at Angostura. We both were of conviction, derived from reading the correspondence interchanged between Mr. Washburn and the Paraguayan government, as well as from other very evident reasons, that Lopez could have no desire for a rupture with the United States, and therefore he would deliver these men when demanded. We also discussed the propriety of my making the demand for their release, as I had already informed the admiral that it was not my intention to resume diplomatic relations on the part of my government with Paraguay, until Bliss and Masterman had been delivered on board the flag-ship. Then the question arose how the demand was to be made, and we agreed it was more proper for the admiral to make it. It was accordingly made by the admiral in his own name. In adopting this view of the case, that the admiral should make the demand, I acted in accordance with the advice of Mr. Webb, our minister at Brazil, who also strenuously advised me, first, not to go beyond Rio or Buenos Ayres; that the country would be disgraced if I did; also, that we were in a state of war with Paraguay, and that, as I had no authority to make peace, I had no right to go to Paraguay; that my instructions from my government were abrogated by the then existing state of war—in which opinions, however, I did not concur. He told me, however, (and in this I adopted his advice, as I have stated,) that I could hold no communication direct with Lopez until I had delivered my credentials. I found out afterwards, however, when my instructions arrived, that this was the only point connected with my proceedings wherein the steps actually taken differed from those I was instructed to take, as the department instructed me to conduct the correspondence myself.

Q. What instructions did you receive from the State Department when you left here?—A. My instructions were to proceed to Paraguay, stopping long enough at Rio to communicate with Mr. Webb, our minister there, and at Buenos Ayres to communicate with our minister at that place, and at Montevideo, with the United States consul, to ascertain from these gentlemen if the apprehended military obstacles to my passage up the river were removed, upon the part of those allied governments, and then to proceed to Paraguay. I received, also, another letter of instructions, with regard to the political conduct of my mission, stating that it was the desire of the government of the United States to cultivate the most friendly relations with Paraguay; that while the government, in the exercise of its recognized policy of non-intervention, was not disposed to question the right of any nation, with whom it had treaty connections, to carry on war as it thought best, it, nevertheless, deplored the war on the La Plata, and that it took a special interest in the well-being of the South American states, and would be gratified to see the termination of the war, &c.—general instructions to that effect.

Q. When and where were you first advised of the arrest of Messrs. Bliss and Masterman?—A. It is hard to say. When I arrived at Para, I heard that there had been very strange doings in Paraguay; that Mr. Washburn had been shot; that the French consul and a great number of others had also been shot. At Pernambuco, I think, the news was contradicted, with regard to Mr. Washburn, but there were reports of a similar character in regard to other foreigners. But I think it was at Rio that I received the first reliable intelligence.

Q. Had you any instructions from the State Department to call upon Mr. Webb at Rio?—A. Only for the purpose to which I have alluded; to ascertain from him if the apprehended military obstacles to my passage up the river, on the part of the Brazilian government, were removed; upon no other subject whatever. Mr. Webb has stated in his published correspondence, that I was directed to consult with him for the pur-

pose of receiving instructions. That statement is not consistent with the facts. I was directed to communicate with him on the point I have mentioned only. My instructions were simply a review of what had previously occurred respecting the difficulties in regard to the passage of the Wasp up the river to bring Mr. Washburn away, and then a direction to proceed, and as to the mode in which I should proceed—if possible, by private conveyance. (These instructions are contained in the letters published in Senate Executive Document 5, fortieth Congress, third session, pages 101 and 102.)

Q. Your letter of instructions says: "You will, however, stop at Rio long enough to communicate with Mr. Webb, and also at Montevideo and Buenos Ayres, to communicate with the consulate and legation at those places, and to ascertain whether the military obstacles to your voyage up the river, which were heretofore apprehended, have been removed." You construed that part of your instructions to apply simply to the military instructions—nothing else?—A. Yes, sir; to nothing else. I am directed, afterward, to show this letter to Mr. Webb and to Mr. Worthington and to Admiral Davis, and to say that the diplomatic question is not discussed therein.

Q. You did not, then, understand that you were to consult with Mr. Webb about any matters that had come to his knowledge, with regard to Paraguay, that had not come to the knowledge of the State Department here?—A. No, sir.

Q. Whatever Mr. Webb suggested to you, then, you regarded simply as the suggestion of a private individual?—A. Yes, sir; as coming from a gentleman of high diplomatic position, but not such as to govern my conduct necessarily. And in making that statement, I am fully sustained by the department, for I was also instructed to communicate with the consulate and legation at Montevideo and Buenos Ayres, in the same sentence in which I am instructed to communicate with Mr. Webb; and it is not to be supposed that their suggestions should be regarded by me as my rule of conduct.

Q. I understand that, prior to your arrival at Angostura, you and Admiral Davis had fully agreed as to the course which both, or either of you, should take.—A. Yes, sir; fully.

Q. And that was, that you should not present your credentials until after the release of Messrs. Bliss and Masterman.—A. Yes, sir.

Q. And that you should have nothing to do in the matter of their release?—A. Yes, sir; except that I was present with the admiral co-operating in that demand.

Q. Your presence was made known to Lopez?—A. Yes, sir; and I remember, in talking this matter over, and believing in Lopez's desire to maintain friendly relations with the government of the United States, we thought the fact that a new minister had been appointed to represent that government would have weight with him in his decision. But Lopez expressly states in his letter that at no time did he mean not to deliver these men up unreservedly.

Q. You have already stated that you felt confident that these men would be delivered up on demand. Give to the committee the grounds of your confidence.—A. It was simply this: that Lopez could not afford, at that present moment, to involve himself in a quarrel with the United States; that he must necessarily know that these men would be demanded by the United States, and he must have made up his mind to deliver them when demanded. That was the chief ground on which I based my belief. Moreover, from the fact that in his correspondence with Mr. Washburn he had on so many repeated occasions expressed great anxiety to preserve friendly relations with the government of the United States, and that in all his intercourse with Mr. Washburn he had treated him in his capacity as minister with the utmost respect, even to sending him away in a Paraguayan man-of-war down the river, sending his baggage and equipage on board by Paraguayan servants, furnishing him with carts to carry it in, and preserving throughout all the correspondence the utmost respect for him officially, except in one unimportant instance, the only case where discourtesy was exhibited toward Mr. Washburn—where the minister of foreign affairs implied a direct contradiction of Mr. Washburn's words. These things, of course, confirmed me in my belief of his desire to maintain friendly relations with my government.

By Mr. WILKINSON:

Q. If you reasoned from these things, how did you account for Lopez arresting Bliss?—A. That involves the gist of the whole correspondence. Mr. Washburn claimed that Bliss and Masterman were members of his legation; Lopez denied that they were. The correspondence proceeded on that basis all the way through. There was much argument on both sides whether they were or not. The Paraguayan government claimed that the alleged connection of these men with the legation was not one of good faith, but intended merely to shield them from arrest; nevertheless, while Bliss and Masterman remained in the legation under the protection of the flag, there was never any disposition to touch them, as is shown, I think, fully in the correspondence.

Q. Were they not under the flag when they started out in the streets with Mr. Washburn?—A. I think not. Mr. Washburn had accepted the condition that Bliss should confine himself to the legation to avoid arrest, thereby placing him on a footing wholly inconsistent with the character of an attaché. He had been notified that Bliss was not

recognized as one of the servants of the legation, and, therefore, if found outside of the legation he would be arrested. My impression of the fact is, that Bliss and Masterman were left by Mr. Washburn to follow him, and that they were arrested in the street while following him. It is very certain, as you will see by his letter, that when Mr. Washburn received his passports from the Paraguayan government for himself and the members of his family and his private secretary and servants, with the statement that passports would not be furnished for Bliss and Masterman, Mr. Washburn accepted passports for himself and the others, replied, thanking the government for them, and informed them that he would be ready to start to-morrow. I consider that as being a consent that Bliss or Masterman should remain, or as waiving the question of their accompanying him away. When they were seized, moreover, in the street, Mr. Washburn made neither protest nor objection, but continued on his way to the steamer.

By Mr. SWANN:

Q. Do you know how long an interval intervened before Bliss and Masterman followed Washburn?—A. I do not; but I derived the impression from reading in some newspaper a statement of Bliss or Masterman, saying that they waited until the minister was out of sight. I am not positive about that, as I paid but little attention to it at the time. I have also an impression, from reading Mr. Washburn's testimony, that they followed him "a little distance behind," I believe. I have also an impression that the Italian and French consuls walked on each side of Mr. Washburn going down the street.

By Mr. WILKINSON:

Q. But how did you account for Lopez arresting Bliss and Masterman, if, as you thought, he was desirous of preserving friendly relations with the government of the United States?—A. I thought that his action rested on what he believed the rights of his government demanded; and therefore he detained these men.

Q. What change had taken place then, that induced him to give them up?—A. That is not for me to explain; but I presume he would attach more weight to a request made by the government of the United States directly, than to the point upon which he and Mr. Washburn disagreed about the law. If he found the government of the United States sustained Mr. Washburn's position, he would undoubtedly give up the men. He disputed with Mr. Washburn about their position, and, of course, naturally enough desired to maintain his point as against Mr. Washburn. He maintains in his correspondence that Mr. Washburn has acted contrary to the principles of international law, and that Mr. Washburn's government will not support him. When, therefore, this demand is made by a new minister, and made in that form wherein discussion is waived as to the character and capacity of the men—a simple demand made for their release—he feels that he must deliver them up; and the manner in which he delivered them up, is simply confiding the whole question to the ultimate decision of the American government.

By Mr. ORTH:

Q. You have stated that you felt they would be delivered on demand, and have given your reasons for thus thinking. Did you know at that time for what reason they had been arrested?—A. Only from reading the correspondence between Mr. Washburn and the Paraguayan government.

Q. You were in possession of that correspondence prior to your arrival at Asuncion?—A. Yes, sir; at Rio.

Q. You were then aware that they were arrested as criminals, by Lopez?—A. Yes, sir.

Q. Why, then, did you suppose that Lopez, regarding them as criminals, would deliver them up?—A. I took this ground: Mr. Washburn claimed that these men were seized in violation of the rights of his legation. It was not proper for me to go behind his declaration, and I felt that it was my duty to demand their delivery, on the strength of Mr. Washburn's declaration. I believed, also, that Lopez would not be willing to involve himself in the serious consequences which might follow from a refusal to yield to a demand made as this one was, although he might at first have believed that the government of the United States would disapprove of Mr. Washburn's course.

Q. You supposed, then, that Lopez, holding these persons as criminals, violators of his law, engaged in a conspiracy for his overthrow, and believing that they were guilty, would, nevertheless, deliver them on the demand of the American minister, on the ground that they were members of the legation?—A. Yes, sir; because they were only subject to trial in the United States, as members of the legation.

Q. Upon your arrival at Angostura, the correspondence relating to their release was conducted entirely by Admiral Davis?—A. Yes, sir.

Q. When did you first see Messrs. Bliss and Masterman?—A. I never saw them, except I saw Masterman once, from the bridge of the steamer.

Q. You were on board the Wasp when they arrived as prisoners?—A. Yes, sir.

Q. And were aware of their presence on board, prior to your presenting your credentials?—A. Yes, sir.

Q. Did you express any desire to see them?—A. No, sir.

Q. Did they express any desire to see you?—A. Not that I am aware of; because I remember saying, that in case they wanted to see me, to send them up. I had no desire to see them, partly because I had very little respect for Mr. Bliss's character. I had received, in Buenos Ayres, a copy of a most scurrilous book, written by Mr. Bliss, against Mr. Washburn, abusing and slandering him in the most shameless terms. I had learned in Buenos Ayres, moreover, from very many people there, (American citizens, chiefly,) that Bliss was not a reliable person; and, in fact, that no reliance could be placed in any statement of his. I had also questioned Mr. Washburn as to Bliss's character, and he confined his information to the fact that Mr. Bliss was an extraordinary encyclopædia of knowledge, but would not, in any manner, vouch for his reliability. I therefore felt that whatever statements Mr. Bliss might make I could not rely upon, and that the question was then placed in such an attitude that the whole matter was referred to the United States government for its decision at home. I was not then acting as minister to Paraguay, not having presented my credentials; and these men were delivered on board the Wasp with the understanding that they were to be sent to the United States, together with all the papers connected with their case, which were forwarded through Admiral Davis, addressed to the Secretary of State. Consequently, I felt that nothing I could do or say in the matter would be of any service to them or the government; that the whole question in its entirety was to be presented to the authorities in Washington, and whatever course the government might take I was ready to pursue, when I received instructions on that point. I have seen a statement published by one of these gentlemen, that I said that when I wanted to see them I would send for them. I never sent such a message to them, and I do not believe any such answer was returned to them. I am certain I never made it. I only remember the impression which I then had, which was, that if these gentlemen wanted to see me I would be glad to see them. But I felt I did not care to give them any more importance than they had already attained, by sending for them, inasmuch as they could not communicate to me anything upon which I could take action without further instructions from my government. I preferred that the question should go to Washington in its entirety, with the parties themselves.

By Mr. WILKINSON:

Q. But would you not think, ordinarily, that the American minister ought to have communication with American citizens who had been wronged?—A. Under ordinary circumstances I should think so. If his having communication with them could be the basis of any official action on his part, he should communicate with them. But, after thinking the matter over with much care, I could not see how any communication Bliss might make to me, taken in the face of his declarations, and the other papers which were to be sent to Washington, could be in any manner the basis of my official action.

By Mr. SWANN:

Q. Had you any knowledge of Mr. Masterman?—A. I did not know him at all at that time. I knew that he was not an American citizen. The only unfavorable thing against Masterman that I ever heard, was a statement made by Mr. Washburn to me, in which he used the expression—referring to Masterman—"the notorious liar," or some expression of similar import. I think that was in reference to Masterman's recently published book, which I have not read.

Q. Your unfavorable impression of Bliss, then, was derived from reading his book against Washburn?—A. Yes, sir; and from the testimony of almost every American resident in Buenos Ayres.

Q. Did you speak to many Americans there about him?—A. I spoke to nearly all the American merchants there—I suppose to five or six in number—and their opinion was universal against him.

By Mr. WILKINSON:

Q. Did the officers of the navy speak to you unfavorably about Bliss?—A. They may have done so; but I do not remember specially any conversation about him. They had no greater means of information concerning him than I had. There is no impression on my mind that they spoke against him specially.

By Mr. ORTH:

Q. You have alluded to the book written by Mr. Bliss against Mr. Washburn. Did you not know, at the time you saw that book, or prior to that time, the circumstances under which it was written?—A. I knew it was written while Mr. Bliss was in Paraguay; but I do not think the circumstances under which it has since been stated it was written, will justify the humor and malignity of slander that it displays against Mr. Washburn.

Q. Did you not know that Mr. Washburn had given Mr. Bliss full permission to use any and every means he could to preserve his life?—A. I did not.

Q. Did Mr. Washburn say anything to you upon that subject?—A. I do not remember that he did.

Q. Did you see a communication, published in the newspapers of Buenos Ayres or Montevideo, by Mr. Washburn, to that effect?—A. I may have; I do not recollect it now.

By Mr. WILKINSON:

Q. You knew Mr. Bliss was under duress when he wrote it?—A. Yes, sir. I made ample allowance for that while reading the book; but it was so voluminous in the first place, stated so many unnecessary things against Mr. Washburn, as to his previous history, many of which I knew to be false, and all done with so much humor—indeed, a very funny book—that it precluded, in my mind, the idea that it was written under duress, and it coincided, particularly with the information that I had of Bliss, that he was perfectly reckless as to what he said or did, or whom he slandered. That was my impression about Mr. Bliss from information gained in Buenos Ayres.

By Mr. ORTH:

Q. How long did you remain on board the Wasp, after the arrival of Bliss and Masterman?—A. I think I left the following day.

Q. Were they held as prisoners on the Wasp when you left?—A. I think they were held under surveillance, but not under guard as prisoners. I remember seeing Masterman walking around on the main deck of the Wasp on the morning that I left. I saw him from the bridge of the vessel. I will state further, that while leaving the Wasp, the only impression I had about them was one of surprise that neither of them had called upon me or asked to see me.

Q. Upon leaving the Wasp at Angostura, you went to the headquarters of Lopez?—A. Yes, sir.

Q. Was that his capital?—A. No; it was simply his headquarters. The capital was then being transferred from Luque to Piribebuy, in the rear of what they call the low Cordilleras.

Q. Where did you present your credentials?—A. At the headquarters, in consequence of the state of the country and the transfer of the capital.

Q. Where did you reside during your stay in Paraguay?—A. Chiefly in Piribebuy.

Q. How long were you there?—A. From the middle of December, 1868, until the end of June, 1869.

Q. How much of that time did you spend at Lopez's headquarters?—A. It would be difficult to say accurately. When I first went there, I remained from the date of my arrival, about the 12th, until the 23d of December. I then went to Piribebuy, and from the time I reached there until I received my recall, I think, I visited President Lopez four or five times. I visited him with regard to sending my dispatches by flag of truce, and I visited him once after his defeat at Pikysyry, to urge upon him the necessity of making peace by sacrificing himself to his country.

Q. During that time, how often and for what length of time was Lopez at his capital?—A. He was always with his army. Referring to the preceding question, I desire to say I received my recall in May, and I left Piribebuy a few days after, abandoning my house and having packed up to leave the country. Upon arriving at headquarters, I found Lopez breaking camp, with all his army in the expectation of a battle the following day. The allied army was then advancing on his position at Ascurra, and he was then retiring to his defenses in the mountains. Everything was in confusion, and I thought it was not proper for me to attempt to go through their lines at that time, when a battle was imminent, and that if this battle was to be decisive, the presence of the United States minister might be of vast importance whatever the result was. For that reason I stated to Lopez that I would withhold delivering my letter of recall—which he was aware I had received—for a few days, until these movements were determined. I then remained, I think, about four weeks longer, and that time I necessarily spent at his headquarters, because that was the nearest point of departure from their lines, and I had given up my house at Piribebuy. That was the longest time that I remained for any one period at his headquarters.

Q. Then you were at Piribebuy from December to May?—A. Yes, sir.

Q. What officials of the Lopez government were residing there during that time?—A. There was the vice-president, the minister of the government, and the minister of the hacienda, and other lesser officials.

Q. How many ministers has he in his government?—A. I think he has five or six; he has the minister of government, who answers to our secretary of state, the minister of foreign affairs, the minister of war and marine, the minister hacienda, and, I think, the secretary of the treasury.

Q. Where were the other ministers who were not residing at Piribebuy?—A. The minister of war and marine was the acting minister of foreign affairs while I was there,

and he was at the camp with Lopez, generally; and I think the minister of the hacienda or the minister of the government was also the acting secretary of the treasury.

Q. Where was their official residence at that time?—A. At Piribebuy; but the minister of war and marine was at the camp, and he was the acting minister of foreign affairs.

Q. This was a temporary capital?—A. Yes, sir.

Q. What foreign officials were at that capital during your residence there?—A. When I first arrived there the French consul, Mr. Cuberville, was there. He left a few days after and went to Asuncion, the former capital. He left three or four days after my seeing him at Piribebuy. The other ministers accredited to Paraguay—the French, English, Italian, Spanish, and Prussian ministers, as well as the South American ministers, are all accredited to the Argentine Republic, as well as to Paraguay, or some of them to Rio and Paraguay, others to Uruguay and Paraguay; and they all fixed their official residence at Buenos Ayres or Rio de Janeiro.

Q. Were there any diplomatic representatives from any government at Lopez's capital during the time you were there, but yourself?—A. No, sir; none living there. These gentlemen were living below, and I learned from some of them afterward they had tried to hold intercourse with him on various occasions, but were generally prevented by the allied governments.

Q. What opportunity did you have of going about and seeing the country?—A. I had a horse and used to ride out frequently in different directions; sometimes used to ride five or six hours at a time.

Q. What is the distance from this new capital to Asuncion?—A. I should say it was very near seventy or eighty miles.

Q. Were you ever at Asuncion?—A. Not until I returned from Piribebuy.

Q. What was the general appearance of the country, so far as its agriculture was concerned?—A. When I left, the country was in a very promising state as regards agriculture, for during the previous six months they had planted very extensively. On my first arrival the population had all been transferred from that portion of the country which was given up to the allies, to the interior, and then there was great distress among the people—great scarcity of food. But an order was issued for planting in all directions, and in a very little while the whole country seemed to be producing, and at the time I left there was a very promising harvest of maize, mandioca, and vegetables of various kinds such as they could get.

By Mr. WILKINSON:

Q. It was, then, an old country, that had been cultivated before?—A. Yes, sir; a very old country.

By Mr. ORTH:

Q. Was there any scarcity of labor?—A. The women did all the labor in the fields and there was no scarcity of them. In that country there is a great surplus of female population.

Q. How much of an army has Lopez?—A. No one knows but himself; I do not think there is a man in Paraguay who knows but himself.

Q. You saw his army while you were in his camp?—A. Yes, sir; but it is very difficult to form an estimate from seeing an army in camp, because they are posted in various and often concealed positions; besides, I never thought it proper for me to make excursions through the lines.

Q. What impression did you receive as to the general feeling of the people toward Lopez?—A. It varies. There certainly exists among the people—and I think among quite a majority of them—a most devoted attachment to Lopez. It is a devotion that surpasses anything I have ever witnessed before. My impression is, this feeling exists among the great majority of the people. There are many others who perhaps do not feel that, but who fall into the current and feign that feeling. There are others, and there are many I suppose, who have very opposite feelings.

Q. In going through the country did you see any evidence of manufactures, or do you know of any manufacturing interests in the country?—A. I know of none except the arsenal, and the mines where they produce sulphur, and such manufactures as are incident to war. Everything in the country was centered in the war at that time, even the agricultural interests.

Q. Did they have any commerce or trade with the outside world during that time?—A. No, sir; they were closely blockaded.

Q. Did Lopez have a congress or a legislative assembly in session or in existence during the time you were there?—A. No, sir; I believe under the form of law there the congress is only to meet once in ten years and is generally but an advisory body of the president, whose advice he can accept or reject as he pleases. This did not occur while I was there. Lopez was elected president for ten years. The form of government there is an elective president who has absolute power.

Q. How did he exercise that power over his own people?—I do not mean those in the army?—A. I can only give my impression, that I thought he exercised it in a very just,

and sometimes a very benevolent way. With regard to those who were accused of the conspiracy which is alleged to have existed, he used great severity in crushing them.

Q. What evidence have you as to the sufferings of those who were the victims of that conspiracy; what was their punishment?—A. I have none at all, except hearsay. I do not know.

Q. What was that hearsay—from reliable sources?—A. Yes, sir; I think it was; much of it comes from English residents in Paraguay; little from the Paraguayans, for they never discuss the affairs of the government and seem to think that the government will, in all emergencies, take care of them, tell them what to do, and it is not their affair to discuss it. But in talking with those who were my chief companions, those whom I used to consult most frequently about affairs in Paraguay, I derived the impression that these accused men, or many of them, had been shot.

Q. Were any of Lopez's relatives implicated?—A. There were several.

Q. What ones?—A. There were his two brothers, his brother-in-law, and I think their wives, his sisters.

Q. Were any of them punished?—A. One of his brothers I understood was shot.

Q. Was any punishment inflicted on his sisters?—A. I never heard of it until I left Paraguay, and I do not believe it.

Q. Or his mother?—A. I never heard of it in Paraguay or until I came into the camp of his enemies; on the contrary, I know that while I was in Paraguay his mother and sisters were treated as the first ladies in the land by himself and everybody. Their residence was at that time a few miles from Piribebuy, and when I left, my house being one of the best in Piribebuy, was given over to the mother of the president, where she lived with her daughters, and on many occasions it occurred to me that his devotion to her was exceedingly filial. He always treated her with the utmost respect, frequently communicating with her by telegraph, and was constantly sending messages to her. On the anniversary of her birth-day I was invited to dine at her house with a number of other people. I could not go that day, but I remember his sending all his children and Mrs. Lynch there to dine with her; he also sent presents to her.

Q. Who is Mrs. Lynch?—A. She is a lady of Irish parentage, of English birth, and of French education. She has lived with the President for some fifteen years, and is recognized and regarded by Lopez as the mistress of his household and the mother of his children, and is very much respected and loved in Paraguay, as far as my observation went. Lopez has no other family, that I am aware of; he has one son older, who was born before he knew Mrs. Lynch; but I heard of no other. Mrs. Lynch always presided at his table, and took care of all the internal affairs of his house, educating the children, and everything of that kind. She is a woman who has been most grossly maligned, I think, by the press of Buenos Ayres, which charged her with all sorts of immoralities, such as being cruel, instigating the President to unheard-of deeds of atrocity, and with everything that could be written against a woman.

Q. Does the public sentiment of the country sustain Lopez in bearing this relation to her?—A. It is the common practice in Paraguay; there is but little marriage there. There have been so many obstacles put in the way of marriage that, as an institution, it has almost passed out of the country. But, at the same time, men and women live there together as husband and wife; and the women are singularly faithful when they accept that relation. Great numbers of families live there in that way—in fact, it is quite customary in Paraguay.

Q. What do you know of the treatment of Messrs. Bliss and Masterman after they had been received by Admiral Davis?—A. Nothing, except what I have read in the papers since, and from which I derived the impression that they were kept under surveillance, and forbidden communication with the belligerents; and also an impression produced by reading a letter of Bliss to his parents, which has been put in evidence, as to their being treated with kindness and attention, and kept under no restraint. I had no doubt that they should be kept as prisoners; and, indeed, Mr. Washburn had no doubt on that subject, because on the 22d of July, in writing to the government of Paraguay, he uses this language: "I will, therefore, undertake to hold Mr. Bliss and Mr. Masterman close prisoners in this legation till I can send them out of the country, or till such time as the government may not object to their being set at liberty." Mr. Benitez replies, under date of July 23d: "I have not permitted myself to request of your excellency to keep as close prisoners in your legation Porter Cornelius Bliss and George F. Masterman; and it belongs exclusively to your excellency to do what is most befitting the internal service of your house. I have fulfilled a duty which I judged to be one of courtesy," &c. (See Senate Ex. Doc. 5, Part 2, 40th Congress, 3d session, pp. 67, 68.) There are a number of other extracts which, I think, all tend to show the same point; Mr. Washburn insisting that the proper course to be taken was to send these two men as close prisoners to the United States for trial, and that was the course which I considered we were bound in honor to adopt when they were delivered to us, and the whole question referred to the government at Washington for decision. This correspondence of Mr. Washburn's also convinced me that he had been treated with no discourtesy by the government of Paraguay; at no time threatened, and at no time under personal peril. That impression I have been under all the time, from first to last.

By Mr. SWANN:

Q. In your interviews with Lopez, did he ever refer to the relations which had existed between Mr. Washburn and himself?—A. He never did, that I remember, except on one occasion. He always avoided referring to the subject of the difficulty with Mr. Washburn; but he said once, in an apologetic sort of way, as if recognizing the delicacy of touching upon such a subject with me: "I ought to say that, ever since Mr. Washburn's arrival in the country," I think he said, "he has disliked me. There was a want of congeniality between us." Since his arrival in this country, I have never, personally, liked him, and for that reason I endeavored always to treat him, officially, with the more respect, because I recognized the lack of congeniality; some such expression as that. That is the only time, however, that I recollect his referring to the subject, which I understood as showing his appreciation of the impropriety of his discussing with me the conduct of my predecessor.

By Mr. WILKINSON:

Q. Were you ever apprised of the fact that Lopez intercepted some of Mr. Washburn's dispatches to this government?—A. I was never apprised of it. I think the fact was stated in some publication of Mr. Washburn's. I do not remember whether I read it before going up to Paraguay or after coming down, but it is a circumstance that I have never believed.

Q. Why should you disbelieve it?—A. I do not think there was any reason or motive for President Lopez doing so—to be guilty of so great a violation of international right and the decencies of civilization. I can see no motive for it, and I believe Mr. Washburn only states it as a surmise.

Q. It is in evidence that some of Mr. Washburn's communications never reached here or got through.—A. There is just as much reason for suspecting the other side, who always believed Washburn was an enemy of theirs, and who subjected him to great embarrassment and annoyance while there. I think there would be more reason to suspect the allies of the two. But of course I have no knowledge on that subject. Their motive for preventing communication with the United States minister, in Paraguay, is more evident, however, than that of Lopez.

Q. But why should they wish to intercept a communication going from a minister to his government?—A. They certainly prevented all my communications during the whole time I was in Paraguay. They refused to receive the flag of truce, which was the surest way of intercepting them. Besides, they conducted a war against Lopez, one branch of which was to alienate the sympathies of the world from Paraguay and the Paraguayan cause, by these accounts of the unparalleled atrocities of Lopez. Moreover, many of their "victories" are achieved on paper only, and they feared that dispatches from the United States minister might discredit their accounts.

Q. You are aware that Lopez charges Mr. Washburn with being engaged in the alleged conspiracy?—A. Yes, sir; that also appears in this same correspondence.

Q. Did you ever know that Mr. Washburn wrote a letter to his brother in Maine, which was sent with the dispatches to the government, and which dispatches never reached here—a letter, giving his personal opinion of Lopez, which was very disparaging?—A. I never heard of it.

Q. How large, in population, is Piribebuy?—A. It has about three or four thousand inhabitants.

By Mr. ORTH:

Q. What was the date of your letter of recall?—A. It was dated the 15th of March, 1869, and was signed by Mr. E. B. Washburn.

By Mr. WILKINSON:

Q. Do you know how this Paraguayan war originated?—A. Yes, sir; I have formed convictions from pretty careful study of all the documents I could reach on the subject.

Q. Please state which party commenced active military operations.—A. About that, necessarily, there has always been great dispute. I will give the facts as I look upon them. The real causes of the war go back many years. There is the traditional antipathy between the Portuguese-American and the Spanish-American. Next there is the permanent hostility between the empire of Brazil and the republics. The empire of Brazil naturally and persistently seeks extension to the south and the control of the La Plata. The free navigation of the La Plata is essential to Paraguay, the mouth of that river being in possession of other states. It is also a necessity to Brazil, as it is the great channel to her interior possessions. Brazil has for a long time sought the absolute control of the La Plata. All her policy looked in that direction partly for the sake of aggrandizement, and also to secure a free channel for her interior possessions to the sea. This was the state of things existing at the time of the elder Lopez, in addition to other questions existing as to boundaries. The boundaries in South America were not fixed, especially as regards Paraguay. There was an outstanding question of boundary with

• Brazil which the elder Lopez was willing to settle upon any terms rather than go to war. Brazil refused to settle at that time, and had the matter postponed for several years, and the commission which had been applied for or formed to settle it, adjourned. This was the question of the boundary between Paraguay and the interior of Brazil. Brazil claims, or pretends to claim, down to one of the interior rivers of Paraguay, and Paraguay claims territory which she now occupies further north and east. This question the elder Lopez was willing to settle with Brazil upon almost any terms. In the mean time, during these few years that the question was pending, or pending the adjournment, Brazil established in one of her border provinces a very large depot of arms and ammunition. She also instigated or set on foot in connection with the Argentine Republic—where there had always existed some jealousy of the neighboring republics—a revolution in Uruguay, which was headed by a man named Flores, who had less than a hundred men when he landed from Argentine territory. He kept up this revolution for a long time, sustained by Brazil and Buenos Ayres. At the time the Uruguayan government was in its greatest peril, Brazil presented a long list of reclamations to the government of Uruguay—in 1863 or 1864. The government of Uruguay applied to Lopez for assistance, but, of course, could not meet these reclamations, as only eight days were allowed for payment. The same minister that brought with him this list of reclamations, also brought a declaration of war against Uruguay. Lopez had offered his mediation upon this question of reclamations, and it was rejected. Then Lopez recognized the cause of Uruguay as his own, knowing that the destruction of Uruguay was merely preliminary to the destruction of Paraguay. Buenos Ayres was acting under Mitre in full accord with Brazil, and seeing this, Lopez notified Brazil that the crossing of troops into Uruguay would be regarded as a cause of war with Paraguay. This protest was made two or three months, I think, before the first acts of hostility. When Brazil, in the face of this protest, crossed her troops into Uruguay, there is no doubt to my mind that she did it accepting a war with Paraguay, and that no formal declaration of war was necessary; still, I believe a declaration of war followed. At any event, Lopez at once marched into Brazil and captured this depot of arms that they had established on his northern frontier. Lopez then believing that the Argentine Confederation was actually working in the interest of Brazil, and that the question of war with the Argentine Confederation was only a question of time—for it is a question of fact that Corrientes had been made a depot of arms and ammunition for Brazil, asked of the Argentine government permission to pass his troops through a portion of its territory for the purpose of invading Brazil—permission which they refused. Lopez then considering that their permitting Brazil to occupy their territory for warlike purposes and refusing the same privilege to him, was a sufficient evidence that they were hostile to him, answered their refusal by a declaration of war. He followed that declaration of war in a few days by a fleet and a force which occupied Corrientes and captured arms and ammunition which he has since been using. That, I think, is a correct statement of the origin of the war. Lopez is a very able man, and when he saw that war was a necessity, he preferred to strike the first blow. With regard to Uruguay, that he was right there, there is no question; because, with the destruction of Uruguay, Paraguay was shut in and under the control of her natural enemy, Brazil.

Q. Why should Brazil be the enemy of Paraguay?—A. Because in reality Paraguay was the most powerful of all the republics. It had never had a civil war; had a braver and more enduring people; a better people than any others in South America, and was consolidated under one head. Brazil knew that there was her greatest enemy.

Q. But why should she be opposed to a republic, such as you describe?—A. First, her desire to control the La Plata; and then Paraguay is a republic in name, and with an elective President, and Brazil would have a hostility against any republic situated on the borders of her slave-holding empire. I think there is a necessary antagonism.

Q. If I understand your description of this government of Lopez, it is an absolute despotism?—A. Lopez has absolute power, but, by consent of the people, he is an elective President. But with regard to the La Plata, Paraguay's position there was of the utmost importance to Brazil. Moreover, Brazil understands perfectly the vast resources of Paraguay. It is the most fertile and productive country in South America. It has resources far beyond those of any of its neighbors, in woods, minerals, coffee, rice, sugar, tobacco, &c. Brazil, naturally enough, considering her preponderance in power and numbers, has always looked to her extension over the waters of the La Plata. The question of boundary was certainly kept in abeyance by Brazil to furnish, when she was ready, a cause of war.

Q. What kind of government have the allies set up in that portion of Paraguay which they now occupy?—A. That has been done since I left there. I have been at a loss to find out what they have done. They proposed to put in power three Paraguayan traitors—native Paraguayans who had deserted Lopez—as a sort of consulate. But Brazil insisted upon her own candidate, and I do not know who has been selected President. It was not looked upon with favor in the Argentine confederation, or by the foreign ministers.

Q. Did they have money in circulation in Paraguay while you were there?—A. Yes, sir; a good deal of silver money.

Q. What have you to say in regard to the system of torture adopted by Lopez?—A. In many cases those who have been reported as put to death by Lopez, in fact, died of cholera in the hospitals; not only among his army, but prisoners also. Many—the greatest number—were shot for desertion; and I think it scarcely fair to charge all these as among the brutalities of Lopez. I have read the statement of Messrs. Bliss and Masterman in this respect, and I certainly am disposed to doubt very much of it. What Bliss calls the *cepo uruguana*, which is here known as “bucking,” I have no doubt has been practiced, but I never saw it, nor have I seen anybody who has. Still, hearing it so constantly repeated, I derived the impression that it was practiced. It was practiced in the allied army, according to the evidence of naval officers who saw men “bucked.” Whipping is also a mode of punishment in the Paraguayan army. Their system of jurisprudence is far behind ours. In all the South American States the accused is permitted to give evidence against himself.

Q. Did you see the letter that Admiral Davis wrote to Lopez before it was sent—the first letter that he wrote?—A. I did.

Q. Did Admiral Davis withdraw that letter?—A. I believe he substituted another letter for it. I do not remember whether the first letter was delivered or not. He had an interview with Lopez, which I declined to attend, though invited, thinking it would be better I should hold no intercourse with him until this matter was settled.

Q. Why did Admiral Davis do that?—A. He said that in this interview the President objected to the terms of that letter; that he was determined to deliver the men, but seemed desirous that it might be done with as little humiliation to himself before his people as possible. That is the idea I derived; and for that reason he would prefer a letter worded in different terms. But he stated he was going to deliver the men anyhow, and as the objection which he made to the letter, which I do not recall now, occurred to me to be a very trifling and unimportant objection on his part, and equally so to us, I thought that the admiral might with perfect propriety substitute another letter.

By Mr. SWANN:

Q. The admiral consulted with you?—A. Yes, sir.

By Mr. WILKINSON:

Q. Did the second letter suit Lopez?—A. I do not remember. I think he was dissatisfied still. The admiral seemed to think he did not intend to deliver up the men, and Lopez expressed some dissatisfaction that the admiral should receive such an impression, and said that he did intend to deliver them up; then he went on to speak about the admiral's receiving them as accused parties, admitting their complicity, &c.; but the admiral took the ground that it was not his province to enter into the circumstances of their guilt or innocence.

Q. Did you hear the admiral say anything about Lopez insisting in this interview that if he stood by this first letter that he would have to refer it to his minister, who was in the interior?—A. I do remember that. The admiral told me something of the kind.

Q. Or that it would have to be a subject of diplomatic negotiation?—A. I remember the fact of the admiral's mentioning it, but my recollection on the subject is vague.

By Mr. ORTH:

Q. Suppose that Lopez had refused to deliver up these men, what would you have done?—A. That was a question which we reserved for future, serious deliberation. We had formed no conclusion, but left it for future action. We had nothing but three little guns on the Wasp.

Q. Would you have presented your credentials?—A. No, sir. The only thing in doubt was, whether we would have made a belligerent display then or withdrawn and waited advices and reinforcements. But I certainly should not have presented my credentials.

By Mr. WILKINSON:

Q. In other words, Lopez did not deliver them up because they were American citizens; but he wanted the admiral to acknowledge that they were prisoners, to save him from humiliation?—A. I think not sir.

Q. Upon what theory did you understand that the government demanded the surrender of these men?—A. On the theory that Mr. Washburn, the minister of the United States had stated they were members of his legation. I considered that question—whether they were members of his legation or not—as one between Mr. Washburn and his government; that it was not for me or for Lopez to consider it at all. It was settled, so far as my conduct was concerned, by Mr. Washburn's declaration. How far the government would sustain Mr. Washburn, I could not tell.

Q. I understand, then, that when you reached Angostura the demand was to be

made because two members of the United States legation were wrongfully seized and held as prisoners?—A. Yes, sir; and the question of their guilt or innocence did not enter into that fact. That was the point upon which the admiral and myself agreed to present the question.

Q. The first letter of Admiral Davis to Lopez is dated December 3, 1868; you say another letter was afterward substituted for that—the letter of December 5?—A. I presume so.

Q. The government, through Lopez, insisted upon terms, and among those terms, in the last letter, one is that they are to be received by Admiral Davis as prisoners, and criminals virtually?—A. In saying that the President insisted upon terms, you must remember that what occurred between the Admiral and President Lopez I was not a witness of. After receiving the admiral's first letter, Lopez asked for an interview, which interview took place that evening. I was invited to be present, but declined. The interview lasted some time, and when the admiral came back he mentioned generally to me what the objections were. I only recollect that I thought the objections utterly unimportant, and was surprised at Lopez making any point about them; but as for his insisting upon them, I am not aware that he did.

Q. You state that Lopez insisted, all the time, that he was to deliver them up. How do you explain this portion of Lopez's letter: "I thought that I had made it distinctly apparent that his excellency regretted that it was not in his power to accede to the conditions of the first demand?"—A. You must take into consideration the fact that the translation may not give the precise sense.

Q. He adds further: "But since neither a reclamation nor a demand is in question." I understood you went up to demand a surrender.—A. Whatever these terms may mean is something I do not fully understand. However, in a previous letter it is stated that the President never had any intention but to deliver up the men unreservedly. He, of course, in objecting to the first letter, wished to raise the old question between Mr. Washburn and himself, (whether they were members of the legation,) but the admiral and myself had determined that question should not be discussed. I presume it is to that that the objection of the President was raised, because he hoped, naturally enough, to justify his seizure of these men to our government, upon the ground that they were not, in good faith, members of the legation. Now, he feared some expression used, in giving up these men according to Admiral Davis's demand, might be taken as a confession on his part that they were members of legation. It was an important point to him, and, as I understood it, this was his main objection. He wished to save his side of the question from any prejudice that might arise from the wording of the admiral's note.

Q. What do you think is the present population of Paraguay?—A. My impression is it is about two hundred thousand—perhaps more—chiefly women and children.

Q. What is the cause of that?—A. The war. The male population of Paraguay has almost been exterminated by the war. Paraguay, I might say, would have been subdued long since, except for the fact that a number of the prisoners taken by the allies find their way back to Lopez. Great numbers of them find their way back again to Lopez from the allied camps and from Buenos Ayres. I have seen instances of it myself. After the surrender of Angostura, quite a number of the troops came back and resumed their places in the ranks.

Q. Do the prisoners Lopez takes escape from him in the same way?—A. Sometimes. But the character of the Brazilian troops is not high. Their army is composed largely of negro slaves, sent by their masters. It is also recruited from the galleys, and many of them have no interest in the war, and I do not think they would be anxious to escape if they could.

By Mr. SWANN:

Q. What is your estimate of the strength of Lopez's army?—A. My information is derived from accounts published in the papers recently. I think he has about five thousand troops now. The last accounts say two or three thousand men, and making reasonable allowance for the source from which this comes, I should put it at five thousand. He certainly had more than that at Ascurra. It depends upon how much allowance you must give to the allied reports. Their reports are very unreliable. I know, in one instance, where I happened to be present, where they moved forward and made a demonstration on Ascurra, or rather on the camp which Lopez had abandoned three or four days before. They cannonaded it several hours, and finally took possession of the place. In consequence of that, there was quite a celebration and illumination at Buenos Ayres. But I am aware that on that day the Paraguayans never fired a shot. So that their accounts are unreliable. I am inclined to think, now that there is no foreign representative in Paraguay, and no means of communication with the outer world, that they will be even more careless in their statements.

Q. Do you think that the people are pretty well exhausted?—A. Yes, sir, as a people; but whether Lopez will be able to prolong the war until the crash, which everybody anticipates in Brazil, comes, nobody can tell. His position is so far in the inte-

rior, that the present force which the allies have in Paraguay will not be sufficient to engage him at the point at which he is now. In all their movements, I think as a general thing they do not attempt to carry Paraguayan entrenchments, but flank him when they can, and then he retreats. That is the history of the war. I think, in his present position, it will not be possible to flank him, because he is in the long line of the Cordilleras, and has behind him an impenetrable forest.

Q. How can he maintain himself there?—A. He did not fall back, I think, from Ascurra until he collected all the growing crops in the region of Piribebuy and the country he has abandoned, and that will sustain the people for an indefinite period until he can plant and raise crops again in his rear.

Q. Have the women and children gone with him?—A. I think it very likely. I have seen it mentioned that quite a number had arrived at Buenos Ayres.

Q. Do you think he has taken his treasure with him?—A. Yes, sir, I think he has. I saw a statement that they had captured large sums of money—a chest containing a large amount of Brazilian money at Piribebuy—which he had taken at the beginning of the war. That is, however, only a newspaper statement.

Q. From all the information you have, then, you think Lopez will be able to hold out for some time?—A. I think it likely; but whether he will be able to hold out a sufficient length of time to cause the financial revolution which everybody seems to fear for Brazil, I cannot say. That is his policy. I heard him say that. In fact, when I left Paraguay, he was firmly convinced that the war would close in six weeks or two months, with the discomfiture of the allies and their withdrawal from Paraguay. He felt confident of that, and frequently spoke of the financial condition of the Brazilians. His losses in the early part of the war made it almost impossible for him to make the war one of aggression or invasion as he had hoped, and he relies chiefly upon the financial distresses of the allies to break them.

Testimony of Hon. H. G. Worthington.

WASHINGTON, D. C.,
November 10, 1869.

Hon. H. G. WORTHINGTON sworn and examined.

By Mr. ORTH:

Question. What official position under the government have you recently occupied?—Answer. Minister resident of the United States to the Argentine Republic and to Uruguay.

Q. At what time did you occupy that position?—A. As minister to the Argentine Republic, from June, 1868, to the latter part of July, 1869; and as minister to Uruguay, from October, 1868, until the same date in July, 1869.

Q. When did you leave for your official post, and by what means of conveyance did you proceed?—A. I left New York on the 23d day of July, 1868, by the American line of steamers for Rio de Janeiro, and from Rio I proceeded in the French packet. I went all the way by said conveyance from this country to Buenos Ayres.

Q. At what time did you reach Buenos Ayres?—A. The latter part of August, 1868.

Q. Was your official residence at Buenos Ayres during the whole period of your service?—A. Yes, sir, all the time. I never resided at Montevideo. Buenos Ayres was made the headquarters of the legation for Uruguay by instructions from the State Department.

Q. What opportunities did you have for seeing the operations of the allied forces against Paraguay during your residence there?—A. I have had no opportunities for personal observation. All the information I have I derived from the representations of others, by communicating with officers of the army and navy.

Q. Did you ever go up the river?—A. Never further than Rosario, which was within my jurisdiction.

Q. The allied fleet was then higher up the river?—A. Yes, sir; many hundred miles above Rosario.

Q. Did you meet Mr. Washburn while you were there?—A. Yes, sir; I met Mr. Washburn in Buenos Ayres on the very day of his return from Paraguay.

Q. Did you learn from him the circumstances attending his withdrawal from Paraguay?—A. Many of them at that time and also in subsequent interviews.

Q. Did you at or about that time have any interview with Admiral Davis, or with any officers of the American squadron?—A. Subsequent to that time I did. My first interview with Admiral Davis, and also with some of his staff, took place upon the arrival of General McMahon to succeed Mr. Washburn.

Q. Was this at the time Admiral Davis was about to proceed to Paraguay to obtain

the release of Messrs. Bliss and Masterman?—A. He was about proceeding to Paraguay to carry up General McMahon to his post.

Q. Did the admiral state that as the main object of his going to Paraguay at that time?—A. I understood that to be his purpose.

Q. Did he say anything with reference to Bliss and Masterman?—A. I think not at that time. I will state the circumstances attending my interview with Admiral Davis. It occurred one Sunday. I had gone with some friends out of town, to a little place about six or seven miles from Buenos Ayres, when a boat came up the river containing a number of gentlemen who made inquiries for me, and on going to the boat I ascertained they were Admiral Davis, Captain Kirkland, and General McMahon. After an exchange of salutations General McMahon handed me a communication from the department directing me to obtain certain information about his free passage up the river. He said that he was anxious to proceed immediately to his post of duty, and desired me to obtain that information as speedily as possible. On the following Monday I accompanied Admiral Davis, Captain Kirkland, and General McMahon, on the *Wasp*, to Montevideo, for the purpose of ascertaining the views of that government. We remained there, I think, until Tuesday evening, and then I returned to Buenos Ayres, after having obtained the information as instructed, which I communicated to General McMahon, and he proceeded with Admiral Davis up the river. In the mean time I know all these gentlemen saw Mr. Washburn, and I believe there was a general conversation about the arrest of Bliss and Masterman; but what would be the definite course that Admiral Davis would adopt, I learned from him, depended very much upon circumstances as they existed upon his arrival in Paraguay.

Q. Had you any difficulty in obtaining the desired permission from the two governments to which you were accredited, for the *Wasp* to proceed to Paraguay?—A. Not exactly difficulty. There was some delay, because the Uruguayan government requested time until they could confer with the Brazilian plenipotentiary and with their allies. The Argentine government also requested two or three days for same purpose, at the expiration of which they furnished me a very satisfactory response to my dispatch, and not only gave me the consent or assurance of the Argentine and Uruguayan governments that all obstacles were removed, but also that all obstacles would be removed on the part of the Brazilian troops.

Q. Did General McMahon have any other interview with you than with reference to his passing up through the allied forces?—A. Yes, sir; we talked generally.

Q. I mean with special reference to his going to Paraguay to represent our government there; did he ask your opinion in reference to going there?—A. I do not think he asked my opinion. He told me he was going to his post of duty, as he was instructed, and that he was anxious to get there as speedily as possible, in consequence of the difficulties.

Q. Did you understand that his instructions in reference to calling upon you related simply to his free passage up the river?—A. Yes, sir; I understood that; nothing else.

Q. What did you learn from Admiral Davis as to his feelings toward Mr. Washburn at that or any subsequent time?—A. Well, I thought just about that time the admiral was alternating somewhat in his feelings toward Mr. Washburn. Just at that particular time he was a good deal annoyed, and manifested, in the various conversations I had with him, his annoyance at the hostility of General Webb. Subsequent to that time I think that the admiral's feelings were affected rather in an unfriendly way toward Mr. Washburn—more so certainly afterward than at that time, because, when the admiral came over, he called on Mr. Washburn at his hotel and had an interview with him. I think, I am not entirely certain, that Mr. Washburn returned the call and had an interview with the admiral in my office at the hotel; and the admiral at that time expressed to me satisfaction at his interview with Mr. Washburn. Well, he went up the river, and when he came back he brought Bliss and Masterman, and when I next saw him he had transferred his flag again from the *Wasp* to the *Guerriere*. I went over to the *Guerriere* especially to see him. The admiral's opinions and feelings very manifestly, to my mind, had undergone a change.

Q. Unfavorably to Mr. Washburn?—A. Yes, sir.

Q. Did he criticise Mr. Washburn's conduct in leaving Paraguay, finding fault with it, approving or disapproving of it?—A. I will not say that he found fault. I think he disapproved of it. I will not say that his censure went beyond disapprobation at that time.

Q. What feelings did he manifest, if any, with regard to Bliss and Masterman?—A. A disrespect for them. He had no confidence in them, and, I am rather inclined to think, from the manner in which he talked, no respect for them; indeed I know it.

Q. How did he speak of Lopez?—A. He spoke of Lopez as being a courteous gentleman, who treated him with profound respect; a man of fine bearing. He spoke of his shrewdness, and in a way to satisfy me that he was very decidedly impressed with the general bearing of Lopez.

Q. Did he speak of having had a personal interview with Lopez?—A. Yes, sir; quite a protracted one, I understood from him.

Q. Did you see Bliss and Masterman after their arrival?—A. I did.

Q. On what vessel?—A. On the *Guerriere*, in harbor of Montevideo.

Q. Did you have any conversation with them?—A. I did.

Q. Did you have any difficulty in obtaining an interview with them?—A. No difficulty. I first asked Captain Ramsay if I could have a conversation with Bliss and Masterman. Captain Ramsay said he supposed of course I could, but that he would speak to the admiral, and he went immediately down and spoke to the admiral, and the admiral sent word back, "certainly."

Q. Were they under surveillance or restraint of any kind upon that vessel?—A. Very clearly they were prisoners.

Q. Were they so regarded?—A. Yes, sir; so regarded as prisoners, from what the admiral said, and what everybody else said. They were not in chains.

Q. Were they deprived of their freedom?—A. Very clearly. They were on board that ship as prisoners, and, as I understood from the admiral, had been received as prisoners.

Q. Were they held by him at that time as prisoners?—A. I clearly understood that from him.

By Mr. WILKINSON:

Q. Was that the reason you asked his permission to see them?—A. It was; because I was aware of the fact that they were not free agents on board of the ship, and I felt it my duty to obtain the authority of the officers of the ship before communicating with them.

By Mr. SWANN:

Q. What information had you that induced you to think they were held as prisoners on board that ship?—A. The general report of the community, and from my conversation with Captain Ramsay and other officers of the ship after my arrival on board, besides letters I received from General McMahon at the time of the surrender of them by Lopez.

Q. They told you Bliss and Masterman were prisoners?—A. Yes, sir; and besides that, I had received letters to that effect from General McMahon upon the return of the *Wasp*.

Q. Did those letters recognize the fact that they were held as prisoners?—A. Yes, sir; General McMahon wrote to me—and it was the last communication I received from him until just before he returned from Paraguay—stating the circumstances of his arrival, the examination of Bliss and Masterman before the commission, the determination of Lopez to surrender them; and in a subsequent letter, stated to me that at such a time they were surrendered as prisoners, to be carried to the United States to be tried on the charges that Lopez had preferred against them.

By Mr. ORTH:

Q. Have you that letter now in your possession?—A. I think I have, somewhere. It was a mere private, personal note.

By Mr. SWANN:

Q. What was the phraseology that he used in his letter, stating that these gentlemen were prisoners; can you recollect?—A. I cannot recollect in words exactly, but I recollect the substance of the communication very distinctly. It was that, when they arrived in Paraguay Admiral Davis immediately opened a correspondence with Lopez for the surrender of Bliss and Masterman; that Lopez, in the very beginning, announced his determination to surrender these men, but solicited a personal interview with the admiral; that during that interview, Lopez, time and time again, announced his readiness to surrender these men, but he persisted in his denial that they were entitled to the protection of the legation, and in his assertion that they sought an asylum in the legation to protect themselves against the consequences of their connection with the conspiracy for his destruction. But, repeating it again, he intended to surrender them to the United States authorities with the request that they should be sent to the United States, to be tried upon the evidence that he (Lopez) would furnish; and that accordingly they were surrendered and received by Admiral Davis, and he was to bring them down to send them to the United States for that purpose.

Q. Did you understand that Lopez made that a condition of their surrender—that they should be held as prisoners and delivered to the United States authorities?—A. No, sir; not a condition for their surrender; that he all along intended to surrender them.

Q. Without condition, and that he simply made this a request?—A. Yes, sir; General McMahon also stated about the examination of these persons before the commission. I will state here that I went on board the *Guerriere* early in the morning, and while I was aboard some other gentlemen came there and desired to see Bliss and Masterman. I do not know whether they were allowed to see them or not. But I had quite a protracted interview with them, in my desire to find out something about the condition of things in the country.

Q. You had never seen Bliss or Masterman before?—A. No, sir; never saw them before or since.

Q. What impression did they make upon you—that they were gentlemen? Did they conduct themselves as such?—A. Well, they made the very reverse of a favorable impression upon me.

Q. In what particular?—A. In the first place the appearance of Mr. Bliss; in the second place what I had heard many people in South America say who knew him.

By Mr. ORTH :

Q. The people there had formed an unfavorable impression of his character?—A. Yes, sir. In the third place, my conversation with Mr. Bliss did not remove that impression.

By Mr. SWANN :

Q. How was it in regard to Mr. Masterman?—A. Mr. Masterman did not make a very favorable impression upon me. He was a gentleman of altogether different *personnel* from Mr. Bliss; but I had not heard so much about Mr. Masterman before as I had about Mr. Bliss, and the only impression I formed of Mr. Masterman was the result of my personal intercourse with him on that occasion.

Q. What had you heard about Mr. Bliss?—A. Well, Mr. Bliss lived in Montevideo and Buenos Ayres some time before he went to Paraguay; and after it was ascertained at Buenos Ayres that Bliss had been forcibly arrested by Lopez and taken away from the American legation, he was frequently talked about by the people there.

Q. State what you heard in reference to his character from responsible sources.—A. I can state generally that the people who spoke to me about him said he did not stand well in Buenos Ayres.

Q. In what respect did he not stand well?—A. Neither for integrity nor veracity.

Q. Was there any impression that he had been engaged in the conspiracy against Lopez; did you hear that objected to against him?—A. Persons there who talked about it said they did not believe Bliss had anything to do with it, because, as they expressed it, Bliss was too big a coward, and therefore they did not believe he would have anything to do with it. Frequently they said they believed that he would have engaged in it if he could without detection and there was any money to be made out of it.

Q. Did you hear anything about Bliss's being a spy on Mr. Washburn?—A. Yes, sir. I received a telegram from a gentleman at Montevideo informing me that he was satisfied from what he had heard from very high officials in the allied army, that Mr. Bliss while living in Mr. Washburn's family was acting as a spy upon Mr. Washburn's conduct. Other information of a similar character reached me, from gentlemen of high official position. I know nothing about it except from the representations of these gentlemen.

By Mr. ORTH :

Q. Was your information, that Mr. Bliss was in the employ of Lopez as a spy upon Mr. Washburn?—A. Yes, sir.

Q. After you heard of Mr. Bliss being arrested by Lopez, did you change your opinions with regard to his character in Mr. Washburn's family?—A. Well, I always hesitated about believing that accusation of his being a spy for Lopez, although I wrote to Mr. Washburn about it. Doctor Bourse sent me the private telegram and Mr. Rodriguez Cavallero communicated to me that he also had heard the rumor, under circumstances carrying with it considerable credibility.

By Mr. SWANN :

Q. Did he state what those circumstances were?—A. No, sir; he said that Bliss was accused by some persons of being a spy on Mr. Washburn, and he thought there was considerable foundation for believing it to be so. He mentioned that to me one day.

By Mr. ORTH :

Q. In communicating that information to Mr. Washburn, did you state at the time that you believed or disbelieved it?—A. When I first heard it, in connection with Bliss's character, it made an impression upon me; yet I could hardly understand it. I saw the perfect inconsistency of Mr. Bliss's being in Mr. Washburn's family as a spy, and yet being arrested by Lopez for crimes alleged to be committed against him. I do not remember exactly what I wrote to Mr. Washburn at the time, but I remember distinctly writing to him in terms of considerable severity against Mr. Bliss. From Mr. Bliss's general reputation, as I had heard it, I may have said to Mr. Washburn "Look out for Bliss, for I am satisfied that he has been a spy on your conduct during his residence in your legation." I may have said that, but I do not remember distinctly what I said. I remember that Mr. Washburn wrote back to me hooting at the idea, and saying it was absurd that Bliss could be a spy when he had been arrested by Lopez on the accusation that he was engaged in this conspiracy against him.

By Mr. SWANN :

Q. I understand you to say that there were no tangible facts upon which Mr. Bliss could have been accused of acting as a spy upon Mr. Washburn, but that the general estimate of his character induced the belief that he might be a spy?—A. Yes, sir; I never heard of any tangible facts either directly or indirectly. I have given the committee all the information I have had of this accusation against Mr. Bliss.

Q. Did you ever see a book written by Mr. Bliss during his imprisonment by Lopez?—A. Yes, sir; that is, I saw a book purporting to be written by Mr. Bliss. Indeed, Mr. Bliss told me he had written a book while he was in Paraguay.

Q. What impression did the perusal of that book make upon you?—A. A very unfavorable impression toward Mr. Bliss, from the fact that he had violently assailed Mr. Washburn in it. I had an interview with Mr. Bliss on this subject. I said, "Bliss, you lived with Mr. Washburn?" "Yes." "Mr. Washburn treated you kindly?" "Yes." "And Mrs. Washburn also?" "Always, sir." "They gave you a home?" "Yes." I then said to him, "Mr. Bliss, how did you have it in your heart to so assail and denounce your benefactor as you have?" Well, he said he did it to save his life; did it under torture or threats of torture. "But," said I, "was it necessary to preserve yourself from torture that you should go into all these details; facts that you could only have known from your intimate association and intercourse with Mr. Washburn; his early life in California, and everything of that sort?" Well, Bliss went on to explain about that, saying that it was necessary to make the lie as big as possible, and that he thought there was a good deal of philosophy in his way of writing that book; that he intended to make the lie as large as possible, so that it would carry with it its own refutation. That was his explanation of the matter: that the book, upon being read, it would suggest itself to everybody that it was done under some undue influence.

Q. I understand you to say, or rather to intimate, that from the impression made on you by Bliss and Masterman, you would not have trusted either of them?—A. In answering that, I must associate with it what the people of Buenos Ayres and Montevideo told me about Mr. Bliss.

By Mr. ORTH :

Q. Had he earned for himself a bad reputation in those places?—A. Yes, sir.

By Mr. WILKINSON :

Q. Were you prejudiced against him before you saw him?—A. Yes, sir, necessarily. I never heard a single man in Buenos Ayres speak well of Mr. Bliss.

By Mr. SWANN :

Q. Had Mr. Bliss been much in Buenos Ayres—long enough to make himself well known to the community?—A. Quite considerably, I think. The gentlemen with whom I most generally associated, the American population, seem all to have known him. I heard many English people talking about him, indifferently, also. I do not remember that they charged any specific act; but I have heard persons there say that they had no doubt that Bliss had been employed and paid by both sides—by both belligerents. I have heard such accusations. I do not say anything on this point of my own personal knowledge, because I never saw Mr. Bliss except during that hour's conversation I had with him on board the vessel. But I have heard these gentlemen in Buenos Ayres speak of him as a worthless, humming scalawag, who was not to be respected, and ought not to be believed. Mr. Bliss's name was only prominently mentioned after his arrest; not so much before.

Q. In speaking of the relations between Mr. Washburn and Admiral Davis, I understand you to say that in the early part of their intercourse on public affairs, Admiral Davis spoke kindly of Mr. Washburn in a friendly spirit?—A. Yes, sir, and Mr. Washburn of Admiral Davis.

Q. And you state that subsequently, after he returned from Paraguay, Admiral Davis's opinion of Mr. Washburn had changed in regard to his conduct of public affairs in Paraguay?—A. I think so.

Q. Did you talk with Admiral Davis upon that subject?—A. In a general way; there was no secrecy in his criticism, as far as I was concerned.

Q. He did not reflect upon Mr. Washburn personally, or make any taunting remarks that showed prejudice against Mr. Washburn?—A. I do not remember that he did. I think Admiral Davis disapproved of many things that he heard asserted of Mr. Washburn in Paraguay. I do not know in what things. I think in leaving the legation, and in many other things. I do not think it to be those things that reflected on the personal integrity of Mr. Washburn. I knew the relations between them up to the time they went up, from the fact that Mr. Washburn and myself were in almost hourly communication, and were both watching with some anxiety the result of the interview between Admiral Davis, Mr. Washburn, and General McMahon. After the interview, Mr. Washburn told me that he had met Admiral Davis, and that he was perfectly satisfied, and everything was agreeable.

Q. At what time was this?—A. It was immediately after the admiral's first interview with Mr. Washburn.

Q. Was that after Mr. Washburn's return?—A. Yes, sir; his return from Paraguay, and before Admiral Davis went up. Then Mr. Washburn went away; he went to Montevideo. The day after Mr. Washburn had gone to Montevideo, in consequence of something that I heard, as well as my desire to see him personally, I jumped in the boat and went to Montevideo. I called on him; when I went in he was engaged in writing. He handed me some letters with the request that I deliver them to General McMahon, and some other papers. Then I discovered a change in Mr. Washburn's feelings toward Admiral Davis. Mr. Washburn complained to me of a neglect of courtesy; spoke of discourtesy on the part of the admiral; and in general talk I thought I then discovered a change in Mr. Washburn's mind toward Admiral Davis, and a change in those few days. However, Mr. Washburn made the remark to me at the time, that since he had been over in Montevideo, he had heard a good deal that he did not know in Buenos Ayres, and mentioned that Doctor Duvall had called to see him. I left Mr. Washburn and went away that day. When Mr. Washburn got to Rio, he wrote me again that he had heard other things that now made him extremely dissatisfied with the conduct of Admiral Davis. That is a condensed history of the relations, as I understood them up to that time, between Mr. Washburn and Admiral Davis. Mr. Washburn even used the expression in his letter to me from Rio de Janeiro, that he was utterly bewildered at the amount of lying and deception that had been resorted to, and referred to the impression that had been made in his mind in Buenos Ayres as having been removed by what he had heard at Montevideo and Rio.

Q. Did you know Doctor Duvall, the surgeon?—A. I did.

Q. What was your estimate of Doctor Duvall?—A. I have quite a personal regard for him; Doctor Duvall is a positive man, of fine impulses and strong prejudices; but I am not prepared to believe that Doctor Duvall wants to do anybody injustice.

Q. Do you know anything of the relations between Admiral Davis and General Webb?—A. Nothing, except what General Webb would write to me, and what the admiral would say.

Q. Did Admiral Davis ever complain of the interference of General Webb in any way?—A. Yes, sir.

Q. In what particulars?—A. The admiral thought that General Webb wanted at times not only to control his diplomatic service, but also the navy; General Webb always denied that, and thought that Admiral Davis, as a naval officer, did not act with sufficient energy and alacrity, when there was pressing necessity for action; in this case particularly, because this was the case in everybody's mind.

Q. Did General Webb complain to Admiral Davis of his want of activity in carrying out the instructions of his government, or say what he ought to have done, situated as he was?—A. I only know from General Webb's published correspondence and what I heard the admiral say. He did complain. He was dissatisfied, and, therefore, he complained of what he regarded as negligence of the public interests, in not securing the lives of American citizens, or acting with sufficient energy.

Q. Are you aware that any correspondence took place upon that particular point?—A. Yes, sir; that among others.

Q. Did you hear the admiral complain of the interference of General Webb in matters that he did not think he had a right to?—A. I have heard the admiral say that General Webb was, he thought, at times, disposed to control the movements of the squadron; but I never heard the admiral refer to Mr. Webb in disrespectful terms.

By MR. ORTH:

Q. Do you know of Captain Ramsay and Lieutenant Davis being sent with dispatches to Minister McMahon? If so, state all the circumstances connected with that affair.—A. After the occupation of the city of Asuncion by the Brazilians, an American gentleman, who had visited Asuncion, returned to Buenos Ayres and communicated to me facts and circumstances attending the sacking of the American legation. I regarded that as making it necessary to send the Wasp up the river, for the treble purpose of examining into the facts, saving American property, and of communicating with General McMahon. For the purpose of facilitating that mission I communicated with the Uruguayan and Argentine governments, requesting them to send orders to their respective commanders to aid Captain Kirkland, who was in command of the Wasp, in communicating with General McMahon. These two governments furnished the orders upon which Captain Kirkland proceeded to Asuncion. When he got there he presented these orders, and these people refused to recognize them; the allies refused to recognize them, and refused to furnish any facilities at all, upon the ground that it might interfere with military operations that were then in contemplation; but adding that as soon as it could be done without interference with these military operations they would be pleased to do so. Captain Kirkland remained there many days. He had a very elaborate correspondence with them, and being detained there he directed his attention to the examination of the outrage on the legation. At that time the Guer-

riere had gone on a trip to Rio, taking up Bliss and Masterman for transportation to the United States. But before the return of the *Wasp*, the *Guerriere* had returned to Montevideo. Captain Kirkland, after remaining there a number of days, finding these people were delaying him, and would furnish no facilities, came back to Buenos Ayres, or rather to Montevideo. As soon as I heard of his arrival I went over and saw the admiral. In the mean time some correspondence occurred between the admiral and myself, in which I urged the admiral to do everything he could to communicate with General McMahon. I was beginning to doubt McMahon's free agency in Paraguay. The United States had never received a dispatch from him, and I had dispatches in my office, with orders to transmit them to him, and I was anxious he should get them, and when these people had disregarded these instructions I then wanted Davis to do something, as the executive officer of our government, in order to enable me to communicate with General McMahon. A very considerable time elapsed and nothing was done. I made two or three visits to Montevideo for the purpose of conferring with Admiral Davis, urging all the time an effort in another direction to communicate with General McMahon. The only question was what course Admiral Davis should pursue to secure that result. During that time the correspondence was going on between the Argentine government and myself about the sufficient reason for declining to furnish an escort. While that correspondence was going on, Admiral Davis made his appearance in Buenos Ayres, and in some interviews that he had with the foreign department, of which I knew nothing except it was indirectly communicated to me, the foreign department informed the admiral that they had offered, in a note to me, to instruct their commanding officers to furnish every facility in their power to communicate with the American minister, subject, however, to the well understood provision, (that was their language,) that if the orders thus given should interfere with any military operations about to be executed, or in contemplation, that the order should be disregarded. Well, I did not like that, because I had been induced, at an expense of six or seven thousand dollars to the government, upon just such orders before, to send the *Wasp* to Paraguay, and I objected to it, and told the admiral so. The admiral having mentioned this to me verbally, I afterward communicated it in writing to him—the offer the Argentine government had made to me—in reply to which the admiral wrote me that in consequence of that information, and appreciating the necessity of communicating with the American minister, after so protracted a silence, in the interests of the government he would send a special bearer of dispatches to Paraguay; that he would send Captain Ramsay and Lieutenant Davis of his staff as special bearers of dispatches to Paraguay, and would be pleased to take charge of any communications I might have for transmission to General McMahon. In ten minutes I responded to him that I had a number of communications for General McMahon, and that I should be pleased to avail myself of the opportunity to send them to him. He replied that Captain Ramsay would call upon me to receive them, which he did, and he and Lieutenant Davis went to Paraguay. About two days after they had left for Paraguay, I received other dispatches for General McMahon, and among them his letter of recall, with instructions to forward them as speedily as possible. I found a Mr. Hopkins, a gentleman who was going up the river, to whom I intrusted these dispatches, with direction to deliver them to Captain Ramsay and take his receipt for them. He took passage by the regular packet boat, which went through, sailing night and day, while the *Wasp*, on which Captain Ramsay and Lieutenant Davis took passage, ran only during the daytime; consequently Mr. Hopkins managed to get there about the same time the *Wasp* arrived. He went out to the headquarters and found that Captain Ramsay was then negotiating about a flag of truce and escort, and understood that as soon as it became known to the Count de Eu that General McMahon's recall had been received, every facility then was furnished; and before Captain Ramsay started up, that very evening, he received, for the first time since General McMahon landed, under flag of truce, a bag of dispatches from General McMahon directed to me; and the day after that, I believe, he started and went through the Paraguayan lines and communicated with General McMahon.

By Mr. ORTH:

Q. Do you know of any reasons other than those of an official character, on the part of Admiral Davis, which induced him to send these special bearers of dispatches to General McMahon?—A. I know of no other reasons.

Q. Did Admiral Davis ever put himself in diplomatic relations with the Argentine government, and thus ignore the presence of the United States minister accredited to that government?—A. Yes; I think he did. It was at the time I was in correspondence with the Argentine government in reference to this same subject. The admiral made his appearance at Buenos Ayres and called on the Argentine minister of foreign affairs, when this matter was talked over; and when the admiral called on me I said to him, "Admiral, what are you going to do about this matter of communicating with General McMahon that I have persistently urged for some time?" "Why," said he, "they tell me they have offered to grant us all the facilities for that purpose." "Yes," said I,

"upon the same terms they gave us before; give us an order which their generals may ignore or disobey, if they think proper." "Well," said he, "I have arranged all that with them, and if you will just write me a communication that they have made that offer to you, I will immediately send Captain Ramsay through with dispatches to General McMahon." I went immediately home, but I felt that it was an unwarrantable interference by the admiral with the duties of the United States minister. But I was not so tenacious about the dignity of my position that I would let that stand in the way of communicating with General McMahon. I thought that the interests of my government demanded that communication should be opened, and therefore, I made no objection to Admiral Davis's action in the matter. We had not heard a word from General McMahon, directly or indirectly, for eight months, and he had not received a word from his government for that length of time. I thought if this state of things was to continue, we had better have no representative there at all. I therefore communicated to Admiral Davis the substance of the offer made me by the Argentine government, and he replied, as I have detailed before, that he would send Captain Ramsay and Lieutenant Davis to Paraguay.

By Mr. SWANN:

Q. I understand that that arrangement—except in regard to the admiral's interference with your duties—was satisfactory to you?—A. Yes, sir; because it was carrying out the purpose which I had been trying to accomplish. I was satisfied with anything that would result in communicating with General McMahon. But they had given identically the same instructions to their officers before. When we sent the Wasp up, at an expense to the government of about seven thousand dollars, and when the Wasp reached their military lines their commanders disregarded those instructions, and the Wasp had to return without accomplishing anything. Therefore, not regarding the reasons of the allied generals for disregarding the instructions of their government as at all sufficient, I was not disposed to have the Wasp go up again under the same circumstances and upon the same authority; and for that reason, but for the interference of Admiral Davis, I should have declined their offer and insisted upon their recognizing our right to communicate with our minister. It was a question of right, not of courtesy. It was a question whether we were to be debarred from communicating with General McMahon simply because the officers of the allied army thought it might interfere with military operations that were contemplated, but which had not been executed for forty days. I should have insisted upon the right to go up, and wanted Admiral Davis to land there even with fifty men, and made the allied powers, if they wanted to resist our efforts, do so by force. I said to him "You have not the force necessary for that purpose, but at least, let us assert the right."

Q. How did Davis and Ramsay's mission result?—A. It proved successful. It resulted in communication with General McMahon, and I was abundantly gratified; for at that time I began to have serious apprehensions in regard to General McMahon's free agency. At the same time I can not help insisting upon the preservation, independent of each other, of the civil and the naval service. And I am also bound to say that the Argentine government always manifested every disposition to afford all the facilities it could to the United States, in every way and under all circumstances, during my official residence there.

By Mr. ORTH:

Q. What position did the Argentine government occupy in this tripartite alliance?—A. It was secondary; that is, it had an equal vote with Brazil, but it is secondary in its influence and power.

Q. Was there any other instance in which Admiral Davis interfered, or attempted to interfere, with your rights and privileges as minister?—A. I have never made complaint at all to my government about these things, but there was another case in which I thought the admiral did interfere with my duties. It was this: The Argentine government wanted to have a survey made of the port of Buenos Ayres and at some other point, and they asked me to solicit the aid of Admiral Davis for that purpose. Upon consulting the admiral he informed me he would do it with pleasure, and was glad of the opportunity to give his young men practice, but that the usual method was to communicate with the home government, and the Navy Department would then refer the matter to the proper branch of that service that came within his jurisdiction, and he would be authorized then by the department to make it. I communicated with the government at Washington, and after some delay I received instructions from the department, authorizing Admiral Davis to make the survey, and instructions also to communicate, in a dispatch to the Argentine government, the pleasure that it afforded the United States to furnish these facilities. The same mails, I suppose, brought something from the Navy Department to Admiral Davis. It must have been so. However, Admiral Davis immediately came to Buenos Ayres with Mr. Mediava, who was interested in the matter, to make some examinations, before he had received any communication from me at all, and before I had time to send him

any communication, (I suppose, acting upon the authority of his instructions from the Navy Department,) and addressed a communication to the Argentine government on the subject.

Q. He did not address it through you?—A. No, sir. I never made any objection to him. I may have said that I thought these things ought to be done through the United States minister, if there was a minister there. I may have said something of that sort. I did not care materially about that, however; the other point I thought more important.

Q. Did you hear Mr. Washburn, at any time, make complaint of Admiral Davis for not extending to him the proper courtesies due to an American minister; if so, what was the special cause of complaint?—A. Mr. Washburn spoke to me, at Montevideo, of neglect, upon the part of the admiral, to extend to him the usual courtesies. I mentioned it to the admiral. The admiral made two replies. He said: "In the first place, as a matter of fact, Mr. Washburn, being an out-going minister, was not entitled to them." But he said, independent of that, he had either started, or was going to start (not only himself, but Mrs. Davis) to call upon Mr. and Mrs. Washburn, when a pampero or heavy wind sprang up, which prevented it.

By Mr. WILKINSON:

Q. Are you acquainted with the origin of this war between the allies and Paraguay?—A. I have no personal knowledge concerning it. I did not reach Buenos Ayres until some three or four years after the war began. I know historically about it.

Q. Who commenced the war; who struck the first blow?—A. I should suppose that Paraguay did, by the seizure of the steamer Marquez de Olinda, and the capture of Corrientes. I can only state my view about the commencement of the war. There is a great diversity of opinion in regard to that and other questions connected with the war. As an actual fact, it is universally admitted that Lopez began the war by the seizure of the Marquez de Olinda, a regular packet-boat, belonging to a Brazilian company; the capture, at the same time, of the governor of the Brazilian province of Matto-Grosso, and, subsequently, by invading the territory of the Argentine Republic.

Q. Had the allies organized an army, at the time of these captures, for the invasion of Paraguay?—A. I understand not. Lopez also went into the Argentine waters and captured two steamers at Corrientes, and, by means of these steamers, he subsequently brought down a large number of men, occupied Corrientes, and held it for some time.

Q. This was before there were any military operations going on against Paraguay—any organized military operations?—A. Understood to be so. I have understood that those in favor of Paraguay have asserted that all these things were superinduced by the revolution that was taking place at that time in Uruguay under the auspices of Brazil and the administration in power in the Argentine Republic, and which Lopez regarded as threatening the existence of republics in South America.

Q. Then after the capture of these vessels he used them to take his troops into the Argentine territory?—A. I understand so; these vessels and others that he had—a small navy.

Q. When the war commenced, what, or about what, was the population of Paraguay?—A. I had supposed upward of 600,000.

Q. What do you suppose it to be now?—A. I have no means of telling. There is such a diversity in the estimates of persons from Paraguay that I am at a loss to say. Doctor Stewart says 40,000; General McMahon says 200,000; Mr. Thompson says from 200,000 to 250,000.

Q. Is it the general impression among reliable and intelligent gentlemen who have had means of knowing, that one-half the entire population has been wiped out?—A. I should suppose a greater proportion.

Q. Taking this information from the most reliable sources, what proportion of the men of Paraguay, the able-bodied men, should you suppose had been wiped out in this war?—A. I do not know the division of the sexes. I have never heard any estimate on the subject. I talked with numbers of persons recently from Paraguay, before I left South America—with very many intelligent Paraguayans born and raised in the country, and I derived my information from them. I am very well satisfied that there is a very small male population left there. I look upon the war that is being carried on there as a war of the women and children on the one side, and the allies upon the other. There are hardly any men in the country; that is the information I have obtained. I have seen boys captured from the Paraguayan army; soldiers as young as eleven years. When anybody came down from the country I saw them and obtained all the information I could. My facilities for obtaining information were as good as any other man's in the country, for when anybody came from the country they would be brought to me and arrangements made by which I could see and talk with them. I felt it to be my duty so to do at that time, because General McMahon could get no dispatches through, and our government could receive no information about the condition of the country.

Q. I wish to call your attention to a document sent by Mr. Lidgerwood, a list of ex-

executions in Paraguay, published in H. Ex. Doc. No. 5, 41st Cong., 1st sess. Have you seen that document?—A. Yes, sir; I saw it the day after it was brought to Buenos Ayres. I saw the original document. It was shown to me as genuine by the Foreign Office. It is called "Resquin's Diary."

Q. How was that document obtained?—A. It was among the papers of Lopez that were captured at Loma Valentina, the last of December.

Q. State where you saw it.—A. I saw it among the archives of the Argentine Republic, in the office of the minister of foreign affairs. I saw the original paper. It was exhibited to the Brazilian minister, the English, French, and one or two other ministers and myself.

Q. Have you any doubt of the correctness or truthfulness of that paper?—A. I have no doubt in my mind of that being a genuine Paraguayan paper. I have doubts of the correctness of the paper. The reason of my doubt is this: it occurred in this way: upon General McMahon's arrival at my house, he picked up a paper, lying in my office, which was a publication under the authority of the Argentine government, containing a translation of Resquin's Diary—this paper. General McMahon looked over it and marked out several names on that of persons who were alive, and who, he says, accompanied him to the lines when he was about leaving Paraguay. I remember one name. I do not know whether it is in this document as published by the House. The first one General McMahon marked out, he said, was a gentleman who in Piribebuy had lived very near his house during his whole residence at the capital. Indeed, he said, he accompanied him from Piribebuy to Lopez's headquarters in his carriage, and I think also a part of the way on his return from Paraguay. That gentleman was the Vice-President. I will not undertake to identify these particular cases. My impression is, that list has been a little changed from the original publication or the original translation, where there were several whom it was ascertained were still living, were left out. Then General McMahon marked off the names of two other persons. One whose name I forget, who was reported to have been executed by Lopez in that diary, he told me that on such a day he held that man in his arms when the man died. He met him on the road in a carriage. The man had two Brazilian bullets in his body. For those reasons I think there must be some mistake in this diary. I can easily understand, in so large number, and under these circumstances, how there might be some mistakes.

Q. But, as a whole, you have no doubt of the genuineness of the paper?—A. No; of the paper that I saw, and if this is a correct translation of it.

By Mr. SWANN:

Q. I understand you to say that there was a large number upon that list that you were satisfied had not been executed by Lopez?—A. Not a large number. I said there were several persons. I understood Mr. Wilkinson's question to relate to the identity of the original paper which I saw, as a Paraguayan paper. I have no doubt that that was a Paraguayan paper, and that it was Resquin's Diary as captured in the battles of December.

By Mr. ORTH:

Q. Who was this man Resquin?—A. He was an officer of distinction and high authority in Lopez's army. I do not know what rank he held.

By Mr. SWANN:

Q. How many did you see upon that list that, from your own personal knowledge, you knew were not dead?—A. I knew nothing of my own personal knowledge. I only know it from General McMahon's statement to me. General McMahon marked off hastily that evening four or five names, saying that there were some others; that he intended to examine the list more carefully. He picked up this paper incidentally.

By Mr. WILKINSON:

Q. Do you know how many names there were in the list you saw?—A. Six or seven hundred, I think—a large number. This seems to be a recital of the deaths of persons—either from executions or otherwise—who were prisoners.

Q. What paper is that?—A. The paper entitled "The alliance against the tyrant." This is the same list, but this does not contain the same names that the list that was published by authority of the Argentine government in Buenos Ayres contained; because I remember that in the very first name it designated the person's official character—used the phrase "the venerable Vice-President," or "the Vice-President of the republic."

By Mr. SWANN:

Q. Does that list state these men all died by the hand of Lopez?—A. No, sir; it says, for instance: "June 19, the traitor Silvestre Silva died; his death was a natural one. July 7.—Died of natural death, in irons, the accused Emilio Neumann, a German from

Hamburg," &c. In the list referred to, as examined by General McMahon in Buenos Ayres, the very first name after you open the book, among those who were executed by authority of Lopez, is "Sanchez, the venerable Vice-President." This book does not seem to contain it. I do not suppose that the Argentines, from what I know of them, would have forged any such paper for any purpose.

Q. You have then no doubt of the authenticity of the document, as regards its being a Paraguayan document?—A. None whatever. But as to the truth of the document, that is a different thing. I also believe what General McMahon says. I had perfect confidence in what he said. I might add that it is quite common in Paraguay, as well as in all Spanish countries, to find a great many persons bearing the same name.

Testimony of Richard C. Parsons.

WASHINGTON, D. C., November 10, 1869.

RICHARD C. PARSONS, Esq., sworn and examined.

By Mr. ORTH.

Question. Are you acquainted with Porter C. Bliss?—Answer. I am.

Q. How long have you known him?—A. I only knew him during the time I was United States consul at Rio de Janeiro. At that time he was acting as secretary for General Webb, our minister at that place. I was there a little over a year's time, and my impression is, Mr. Bliss was there during the whole of that time.

Q. Did you, while at Rio, become intimate with Mr. Bliss?—A. I lived next door to him and met him every day for several months.

Q. What was Mr. Bliss's character for integrity, so far as you know?—A. Perfectly unexceptionable while I was in Brazil.

Q. What was his general reputation for truth and veracity?—A. He had no general reputation, but his personal character, so far as I know, for truth, was unexceptionable. I thought Mr. Bliss a gentleman; he was a scholar of remarkable power; he commenced, after a few weeks' residence there, to compile a dictionary of the language. He was a peculiar man; he was an odd man. He was like a great many students I have met—had a great deal of brain and knowledge without a great deal of sense. He was an indiscreet man, in the sense that he would perhaps be running against people's prejudices. He knows several dialects and is a student of unusual accomplishments, and yet has not that practical turn of mind that would make his knowledge available. I should say his character while in Brazil was as good as that of any man in the empire for truth, veracity and integrity.

By Mr. SWANN:

Q. How long have you known him?—A. I never saw him from the time I left him in Brazil, until I met him here last year. My acquaintance with him extended only to Rio, and I could not say that he was with General Webb all the time I was there.

Q. How long were you with him in Rio?—A. My impression is, a year.

Q. He had then retired from his position?—A. My impression is that he and General Webb had some little difficulty, and that he left his employ as a secretary, and either had gone or was about going to leave Rio at the time I left, in July, 1862.

Q. Do you know why General Webb parted with him?—A. No, sir; I never heard General Webb speak about Mr. Bliss at all, to the best of my recollection.

Testimony of James Watson Webb.

WASHINGTON, D. C., Thursday November 11, 1869.

JAMES WATSON WEBB sworn and examined.

By Mr. ORTH:

Question. What official position have you occupied under the government recently?—Answer. I was envoy extraordinary and minister plenipotentiary to Brazil. I was appointed in June, 1861, and resigned in February, 1869, but did not cease to be minister until the 30th of June, 1869.

Q. Where were you stationed during that time?—A. At Rio de Janeiro.

Q. Were you absent at any time, and if so how long?—A. I was absent on one occasion. I went down to the La Plata, and was absent between thirty and forty days. I had a furlough in 1865, and was absent until March, 1869, and left finally May 25, 1869.

Q. You were there at Rio when the war commenced between the allies and Paraguay?—
A. Yes.

Q. Please give to the committee your impressions as to the origin of the war, stating what are known and accepted historical facts in regard to that war and its prosecution.—A. In my report to the government of the United States on the war, giving information as it came to me, some of the details vary from the facts as I now understand them. There had been a war between Brazil and Paraguay. About the period when the war was drawing to a close a change of administration took place in Brazil, and the brother of the secretary of the treasury was appointed governor of the province of Matto-Grosso. In order to reach Matto-Grosso from Rio it became necessary to go down to the mouth of the La Plata and ascend that river, then up the Paraguay to the seat of government of that province, (Managuara,) there being no passage across the land. The governor was ordered to go to his post, and, as stated in my report to our government, was the bearer of a letter from the Emperor of Brazil addressed to President Lopez, in Paraguay. I now understand that a special messenger was sent with the letter. The letter was similar in all respects to such letters sent to other nations with which Brazil may have diplomatic intercourse. It set forth the fact that the two daughters of the Emperor of Brazil were about to be married to two grandsons of Louis Philippe. As I have always understood, on the arrival of the Marquez de Olinda at Asuncion the governor demanded an interview. I now understand it was the bearer of dispatches who demanded the interview. At that interview Lopez reminded the minister of Brazil that he had previously given notice to the Brazilian government that if it invaded the republic of Uruguay he would consider that an act of war against him, (Lopez;) that that notice had never been regarded by Brazil; and that thereupon he declared that war *now* existed, and directed the capture of the Marquez de Olinda and all on board. That vessel had then left Asuncion and gone up the river. Another steamer was sent after her, and she was brought back. The minister was taken prisoner and sent into the interior. The secretary of the treasury of Brazil, who gave me this information, applied to me to assist him in conveying letters through Mr. Washburn, our minister, to his brother in captivity. I learned, further, from the government in Brazil that this was the first notice they had of the intention of Lopez to declare war. At all events, when the steamer Marquez de Olinda, with the governor of Matto-Grosso on board, ascended the Paraguay river, the government of Brazil had not the slightest conception that it was any part of the purpose of Lopez to declare war, but, on the contrary, supposed their relations with that government were of the best character. I may also state, although I did not get it from the government, that Lopez had applied to the Emperor of Brazil for the hand of his second daughter in marriage; and that he (Lopez) supposed, when this autograph letter was sent to him, it contained the Emperor's consent; and when he opened it and discovered that it contained a notice of the intended marriage of both daughters of the Emperor to the grandsons of Louis Philippe, that was the immediate cause of his declaration of war. This was in 1864; and the governor of Matto-Grosso, then captured by Lopez, was sent into the interior, and from that time for three or four years his relatives heard nothing from him. He was not held as a prisoner of war, but was sent back into the interior, and all intercourse with him by his relatives refused. Ultimately they heard of his death. I was applied to repeatedly, to see if any means could be devised to liberate him or to carry him funds, but he was never liberated, and finally died there.

Q. When did you first make the acquaintance of Mr. Washburn, our minister to Paraguay?—A. In 1861, in New York.

Q. Are you acquainted with Admiral Godon; and if so, where did you make his acquaintance?—A. I became acquainted with him in 1865, when he arrived at Rio as a commandant, and acting rear-admiral of the South Atlantic squadron, and reported himself to me as the minister of our government.

Q. At what time in 1865 did Mr. Washburn return from the United States to Paraguay?—A. It must have been some time in September or October.

Q. Where was Admiral Godon when Mr. Washburn arrived at Rio?—He probably was at Rio. I cannot answer positively. It is not customary for the squadrons to go south until the warm weather sets in, about November.

Q. State what you know of the difficulties between Admiral Godon and Minister Washburn in reference to Admiral Godon furnishing means of transportation for Mr. Washburn to his post.—A. I returned to Rio from the United States, arriving at Rio the first day of August, 1866, and was at that time exceedingly ill, so much so that my life was considered in danger. After a fortnight, probably, I went to my residence at Petropolis. By the first mail I received dispatches from the government of the United States, advising me that Mr. Washburn had been improperly detained in the river Plata, and that the allies had refused to permit him to pass to his post of duty. I no doubt had heard this previously by reports; but this was the first official, authentic information I had of the fact. I was instructed by Mr. Seward to say to the government of Brazil that this hindrance must be done away with, and if it was not removed within six or eight days, I was to demand my passports. On the 20th I at-

tempted to go to Rio but was too ill, but went there on the 21st, the day on which the mail steamer was to sail for the river Plata, having prepared a letter (which is published on page 323, Diplomatic Correspondence,) to be used in case of necessity. On calling at the foreign office, I had an interview with the director general, who is, in fact, the principal person in that office. I did not see the minister of foreign affairs; he represented that officer. In that interview, (the mail steamer for the La Plata being about to sail that day,) I made the declaration to him that unless I had authority from the government, before the sailing of the steamer, to communicate to Mr. Washburn that all hindrance to his passage to Asuncion in a United States vessel had been withdrawn, I should demand my passports. I was thereupon informed, after some little lapse of time, that all obstructions of the kind would be and had been removed, and that I was at liberty to write to that effect to Mr. Washburn.

A few days afterward Admiral Godon came into port with the flag-ship, and inquired of me whether it was true, as reported, that all hindrance and molestation to Mr. Washburn's proceeding to Paraguay had been removed; to which I replied by the letter already on record before this committee, that all obstructions to his proceeding to his post of duty had been removed, and that I had so advised Mr. Washburn. Admiral Godon, as I have said, originally arrived in Brazil in August, 1865, at a time when the Emperor of Brazil was with the army on the frontier, and of course I had no opportunity of presenting him, as was my custom with all officers who arrive in command of single ships or of squadrons. Therefore, after my return on the 1st of August, 1866, the admiral, who had never been presented, came to Petropolis, made me a visit, and, as was usual, staid at my house. While there he reminded me that he had never been presented, and asked me if I was willing to present him at an early day. I told him I would do so most cheerfully as soon as my health would permit me to visit Rio, and it was agreed, as soon as I was able to do so, that I should pay him a visit on board his flag-ship and ask for permission to present him, and remain until the presentation had taken place. I accordingly visited him on board the flag-ship, and made application to present him, and, as is usual, a day was fixed for the purpose. My visit, including time for the presentation, continued some five or six days. At the proper time the presentation was made by me. While on board the flag-ship, between the 17th and 22d, the admiral received a letter from Mr. Washburn, in which Mr. Washburn stated that the obstructions to his passage up the Paraguay had not been removed, and made no allusion whatever to the fact that I had advised him that all such obstructions had been and were removed. At this I was very much annoyed, as it appeared to me that he was intentionally ignoring the fact that I had succeeded in removing those obstructions. And at the same time I was exceedingly annoyed at there having been published in the Buenos Ayres papers a statement of the fact that I had said to the Brazilian government that unless they removed such obstructions I was directed by my government to demand my passports. I thereupon said at once that I should, on going back to my legation, write Mr. Washburn a letter, rebuking him for having ignored the fact that I had communicated to him that all obstructions were removed, and pointing out to him the great impropriety that he had been guilty of, and the injustice he had done me in making known what I considered as an important diplomatic secret, not to be used by anybody, and which had never transpired in Rio. Admiral Godon thereupon urged me to write that letter to Mr. Washburn from on board his ship. I told him that it was quite impossible for me to do so, as I must necessarily keep a copy of what I wrote, and that all through life I had found it impracticable to copy my own writing; that I necessarily changed it in copying it. He then offered me a clerk if I would write it on board, and also placed at my disposal his after-cabin for the purpose of writing. I am thus particular in stating why I did that work on board the ship, instead of waiting until I went to my legation, because Admiral Godon swears, as appears by the testimony I have now before me, that "the letter was written in my cabin, in my after-cabin, greatly to my annoyance. I did not care so much about the letter, but I didn't want it written there. I earnestly asked General Webb not to send that letter."

I wish to state most emphatically that there is not one word of truth in that testimony; that my letter never would have been written on board of that ship if Admiral Godon had not requested me to write it then and there, and had not removed my difficulty by placing at my disposal his cabin and his copyist. He says, on the same page, in another part of his testimony: "I regretted the letter; I did not think it was a proper one, and I told him so."

On the contrary, he expressed himself greatly pleased; and, in substance, said it was unanswerable. He also says, "He told me the letter had to go; he said, 'I write this letter because I am going to write to the Secretary of State; and this letter goes with it; we are obliged to send all our correspondence to the State Department.'" I will not say that I did not make that remark to Admiral Godon, but at that time I had a comparatively high estimate of the admiral, and such a remark would, in my judgment, have been a reflection on him—his intelligence. He, of course, was supposed to know, as well as I, that it was my duty to send all my correspondence to the State Department, and, I think, the fair inference is that I could not have made so unnecessary

and superfluous an observation to him. No doubt my offering as an excuse for not complying with his wish to have me write my letter on board, that I must copy my letter for the State Department, and therefore could not write it until I reached my legation, was the cause of his falling into this error. I state distinctly, that I did not write the letter at the request of Admiral Godon; but, having announced to him my determination to write such a letter as soon as I returned to my legation, he begged that I would write it on board the ship, and furnished me with facilities for so doing. He had nothing to do with prompting the letter. He says, on the same page: "You can judge better how to take letters from the general, but I had to take it for its face when it was marked 'official.'" I will only observe, in regard to that, that I have no doubt the admiral both believed and knew the contents of my letter to be true, and acted upon that supposition.

This may be as good a place as any other to state something which should precede another correction that I feel it necessary to make. Two or three days before my arrival at Rio, I reached Bahia. The steamer on which I was came to anchor, and I was visited by the officer in command of the United States steamer Nipsic, who reported to me that, on the day previous, he had saluted the Brazilian flag, in compliance with my promise to the Brazilian government in the arrangement of the Florida affair. To render intelligible what I am about to state, I must go back somewhat in the way of narrative. The pirate Florida had been cut out of Brazilian waters by the United States steamer Wachusett, Captain Collins, who, however, it is said, had nothing to do with the affair, he being in his cabin, and his executive officer, Lieutenant Beardsall, doing the work. That act, of course, produced very great excitement in Brazil, and rendered my position, temporarily, very embarrassing. But long before the arrival of Admiral Godon at Rio, I had definitively arranged the whole matter with the Brazilian government; and one of the conditions of that arrangement was, (we having accidentally sunk the Florida,) that the Brazilian flag should be saluted, and all honors paid to it in the harbor of Bahia, where its sanctity had been violated. Shortly after the admiral's arrival, I informed him of this arrangement with the Brazilian government, and that I should shortly call upon him to go to Bahia, taking me with him, for the purpose of firing the promised salute. He told me in reply, that he could do nothing of the kind, unless he had orders to that effect from the Secretary of the Navy, and that he did not think the Brazilians were entitled to any such salute. Inasmuch as I did not choose to raise a question in regard to the relative rights of ministers and naval officers, I said no more to him upon the subject, except that that salute must be fired in the way most complimentary to Brazil; and I immediately wrote to the government as I had done previously, urging that orders should be sent requiring the salute to be fired. When I learned that the salute had been fired by the Nipsic, the smallest vessel of the squadron, I was very much displeased; and, in an interview with Admiral Godon, complained to him of the improper manner in which that duty had been executed, and I insisted that he should have waited for my arrival, in order that it might be fired by himself, from his flag-ship, with me, the minister, on board. Originally, when I mentioned the subject, the admiral was opposed to any proceeding of the kind. He spoke disrespectfully of the Brazilians, and said they did not deserve a salute to their flag, and "pooh-poohed" the idea. The mode in which the salute was ultimately fired was considered exceedingly offensive to Brazil. My attention was called to it in the office of the minister of foreign affairs, and I apologized for the proceeding, basing the apology upon the ignorance of the admiral in regard to what etiquette, under such circumstances, required; and I assured the government of Brazil, that it was the intention of the government of the United States to have had that salute fired in the way most acceptable to Brazil; that in so doing we honored ourselves equally as much as we honored Brazil; and that I was quite as much displeased with the mode in which the condition was complied with as they could possibly be. The apology was accepted, and the disrespect exhibited by the admiral in the manner of executing this part of our arrangements produced no bad effect as regards my relations; but, unquestionably, the whole proceeding did not benefit the position of Admiral Godon, who, up to that time, had not been presented at court.

The committee will perceive that this salute must have been fired somewhere about the 28th or 29th of July; and about the middle of August Admiral Godon sailed for the north, instead of going south, or waiting to hear from Mr. Washburn. Consequently, the declaration of the admiral that his object in going north to Bahia was, by order of the government, to fire a salute *which had already been fired*, on account of the Florida affair, and to endeavor to renew a good state of feeling, is necessarily untrue. It is utterly impossible that this statement of the admiral can be true, because the salute was fired on the 28th or 29th of July, and the fact was known to him before he sailed. And it is equally improbable, in my judgment, that he ever received instructions from anybody, or from any member of the government of the United States in relation to the settlement of the Florida affair, or to endeavor to renew good feelings, as he says, in consequence of the bad feeling which may have been created by that affair. The Florida affair had occurred and been amicably arranged, with the exception of firing the salute,

long before the admiral came to Brazil; and that was done under his orders, and the fact published in the Rio papers, before, as he alleges, he sailed from Rio to do it.

In thus directly contradicting the testimony of Admiral Godon, I feel bound to say that it was a current rumor, while in command of the South Atlantic squadron, that he had a softening of the brain. I did not credit the rumor at the time, but I now feel it only charitable to believe that there was some ground for that rumor; or, otherwise, I would be compelled to think, as I know his testimony to be untrue, that he had intentionally misrepresented the facts in the case.

I desire also to state here that, in an article published in the Army and Navy Journal, purporting to be a history of the services of Admiral Godon, it was distinctly alleged that he had settled the Florida affair; while, as I have heretofore stated, it was settled long before he came to the station; and the gentleman who called my attention to that article attributed it to the admiral himself; or it might be that he had only furnished the facts.

Having alluded to Captain Collins, I desire to say, in connection with that naval officer, he having spoken of me as an enemy, that when officially informed by the Secretary of State that he had been tried and cashiered, and directed to report the fact to the Brazilian government, I did so promptly, and they were much gratified. I then said to the minister, without prompting from any source, "You do not war with individuals; our government has done its duty and recognized your right to demand the punishment of the offender. This settles the point of honor. Now be magnanimous and authorize me to request of our government to restore to Captain Collins his sword and his commission." The minister replied that that could only be done by a unanimous vote of the council of ministers, in consequence of the absence of the Emperor with the army, and he feared it would be impossible. I urged him, however, to try, and authorized him to say that I asked it of them, not officially, but as a personal favor, as the punishment of Captain Collins beyond the sentence of the court could not be of any importance to Brazil.

A cabinet council was in consequence convened, and I was requested to say to our government that Brazil duly appreciated what had been done, and desired that Captain Collins might be restored to his rank in the navy. This I did, and Captain Collins was accordingly restored and had a command conferred upon him. This is the full extent of my enmity to that naval officer.

Admiral Godon, in a letter addressed to the Secretary of the Navy, and by him published in the United States, states that at a dinner at the palace of the Emperor of Brazil he had a long interview with the Emperor, and did much toward drawing closer the relations between the two governments. The committee will perceive that the admiral was there from 1865 to 1866, without coming in contact with the Emperor. I presented him to the Emperor, in 1866, as an act of courtesy which I was not bound to perform, and to which presentation he had no claims except as an act of courtesy. He accompanied me on several occasions to court, where neither the minister nor persons attached to his suit can come in contact with the Emperor except to approach the throne, make a bow, and retire. The admiral was present at a ball given by the British minister who is now the British minister here, at which the Imperial family were present, and at which he undoubtedly had some passing conversation with the Emperor, as the Emperor spoke to everybody in authority and position. A few days afterward the Emperor gave a dinner to the Duke of Edinburgh, to whom the ball by the British minister had been given. The Duke of Edinburgh, upon being invited to dine with the Emperor, requested that all the admirals in port, he himself being a naval man, might be invited to meet him at the Emperor's table; with which request the Emperor complied, and Admiral Godon was invited, in common with the other admirals. As only the British minister was invited to that dinner, the diplomatic corps were duly apprised of that fact. The declaration of the admiral that he availed himself on that occasion of the opportunity presented to draw closer the relations between the United States and Brazil is simply ridiculous; and any person familiar with court etiquette will at once perceive that nothing of the kind could have been done or attempted. I think the two occasions to which I refer are the only ones on which the admiral ever was brought in contact with the Emperor, except when his Majesty visited the ships in the harbor, and our flag-ship among the number; and I think I will be safe in saying that, in consequence of the manner in which the salute was fired to the Brazilian flag in the harbor of Bahia, no individual in command of any squadron on the coast of South America was held in so little estimation by the Imperial family as Admiral Godon.

I wish to say to the committee that in my negotiations with the government of Brazil, in relation to Mr. Washburn's passing up the Paraguay, no distinction whatever was at any time drawn between the blockade and the military lines. Admiral Godon speaks of an interview that he had with the minister of foreign affairs. He had no business to have held any such interview. I being absent from the country, the chargé d'affaires *ad interim*, inexperienced in diplomatic matters, was induced—how, I cannot say—to take Admiral Godon with him, which I consider a great impropriety on his part; but I can easily conceive that the admiral *did* thrust upon our chargé d'affaires

his own views, from an occurrence which took place between the admiral, General Asboth, and myself. General Asboth, when passing through Rio, asked to have an interview with me, in order that I might give him my advice in regard to the principles of blockade, he being a foreigner, and his mission not being so high in rank as my own. I named, in the presence of Admiral Godon, a certain hour in the following day, when I would have an interview with General Asboth. At the hour named General Asboth appeared, accompanied by Admiral Godon. General Asboth commenced by making a statement of what might occur, assuming certain positions, and inquiring what would be his duty under such and such circumstances. Before I could reply Admiral Godon commenced answering the question and informing him what would be his duty in the case supposed. I permitted him to proceed until he had finished. His views were totally opposite to my own in regard to the international law upon the subject of blockades; and when he got through I said to General Asboth: "You will not pay the slightest regard to what Admiral Godon has said. He does not understand the subject about which he has proceeded to speak in answer to a question proposed to me;" whereupon the admiral flew into a passion and walked excitedly about the room. Finally, sobering down, he said: "How could you excite me so?" My answer was: "How could you come to a meeting to which you were not invited and answer a question put to me in a manner which I do not think at all correct? You obtruded your answer in response to a question of General Asboth put to me, and he must not pay the slightest regard to what you have said. It was none of your business, and you have drawn this thing upon yourself." Upon which he sobered down, and I told General Asboth what I thought, upon a certain contingency, it would be his duty to do. I allude to this fact as taken in connection with the other strange testimony that I find here, and which induces me to believe that there is something mentally wrong about the admiral in having placed such testimony upon record.

I find also here that he swears distinctly that he had good relations with all the ministers and consuls; whereas I reported to Mr. Seward, on the 10th of June, 1867, as found on page 124, that: "While I have taken no part in the controversy between Admiral Godon and Mr. Washburn, and have not permitted myself to express an opinion to either of them in approval or disapproval of their proceedings, I have a very clear conviction that, if the admiral had been so disposed, he could have sent Mr. Washburn to his post of duty shortly after his arrival in the river, without any interference on the part of the allies. But it appears that the admiral made it a matter of pride to ignore the rights and privileges of ministers and consuls, and has quarreled with nearly all of them except myself; that is to say, with Ministers Kirk, Washburn, and Asboth, and with Consul Monroe, and one or two others; and I am sorry to add that he has no friends among the officers of the squadron." And I now repeat this declaration made to the Secretary of State, and say to the committee that I have no doubt whatever of its accuracy.

It appears that the Secretary of State asked the Secretary of the Navy to have detached one of the smaller vessels to go up the Paraguay and bring down Mr. Washburn and his family, whose position was considered very precarious; that the Wasp was so detached, and that the government of Brazil sent her back. In the correspondence which grew out of that act, between the minister of foreign affairs and myself, and when Brazil insisted upon her right to do so, (send back the Wasp,) the minister of foreign affairs wrote to me, in reply to one of my dispatches, as follows:

"So true is this, and so worthy of consideration in view of the consequences on the part of friendly powers, that Admiral Godon himself, in 1866, when the passage of Mr. Washburn to Paraguay was in treaty, was the first to admit it, merely begging in his request for the permitting of the passage up the river to Asuncion of the said Minister Washburn, that it should be done in any way which would harmonize with the dignity of the United States and have been most convenient to Brazil and its allies; further desiring that Mr. Washburn might be helped forward to his destination, either by land or by water, without placing any obstacle in his way."

In reply to that I said:

"Your excellency next quotes Rear-Admiral Godon, then commanding the United States South Atlantic squadron, as fully justifying the action of the allies in 1863. 'So correct is this,' says your excellency, 'that Admiral Godon himself, in 1866, when the passage of Mr. Washburn to Paraguay was in treaty, was the first to admit it, merely begging in his request the passage of Mr. Washburn, and that he might be helped forward to his destination, *either by land or by water*, without placing any obstacle in his way. This is just what the Marquis de Caxias desired to effect in the present instance, had he not been denied the option.'"

It is for the committee to compare the extract from the letter to me with the letter as quoted by me, and if they can discover any misquotation it is more than I can. I did not quote his whole dispatch, but so far as I quoted I quoted correctly.

WASHINGTON, November 12, 1839.

Examination of JAMES WATSON WEBB—continued.

By Mr. ORTH:

Q. Please state to the committee what steps were taken for the purpose of bringing Mr. Washburn from Paraguay.—A. I think it will save time and cover the whole ground by my reading to the committee, from the New York Times of January 28, a communication from Washington, which is essentially accurate, and which, by making one or two changes and alterations, I can make so accurate as to properly constitute a part of my testimony. This communication was, to a certain extent, in substance dictated by me, and was submitted to and approved by me before publication. It is as follows:

"To the Editor of the New York Times:

"On the 8th of December the Senate called for the correspondence in regard 'to recent transactions in the region of the river Plate;' and a few days thereafter the House of Representatives called for the correspondence between our minister, General Webb, and the Brazilian government, on the subject of the United States steamer Wasp passing up the Paraguay to bring from Asuncion our minister, Mr. Charles A. Washburn, and family; and also General Webb's correspondence with Admiral Davis, upon the necessity of employing the squadron under his command, in vindicating the honor of our country and protecting the lives of the members of our legation in Paraguay, seized by Lopez.

"The latter correspondence will be far more interesting than the former, but it is doubtful whether it will make its appearance until after the adjournment of Congress, as it might very materially affect the appropriations for the naval service during the coming year. In his correspondence with the State Department, General Webb shows that one of our 'first-rate' steamers of war, 'admiral's yachts,' as he calls them, costs the government annually more than the entire diplomatic service of the United States; and yet the Secretary of the Navy may put in commission as many of these pleasure yachts as he pleases; and when in commission, they neglect to perform the duties for which they are sent abroad. At all events, such is the charge General Webb makes against the South Atlantic squadron, commanded by Admiral Charles H. Davis. In consequence of such neglect of duty by Admiral Davis, General Webb declares that he and the admiral have produced a great public scandal. Both of them, he says, cannot be right. One must be greatly in fault, and he, therefore, demands of the government that he or the admiral should be severely censured or recalled.

"The correspondence called for by the Senate is in print. It makes a very large volume; and I have selected from it all that appears in relation to the Wasp affair and Admiral Davis. This will be found exceedingly interesting, and it is rendered especially so by Minister Washburn's declaring to everybody that if the Wasp's arrival had been delayed two weeks, he and his family would never have been heard of again, as they would undoubtedly have been sent into the interior and disposed of. This, Mr. Washburn says, he knows was the purpose of Lopez, notwithstanding the reports that have been published since he left Paraguay of the tyrant's expressions of friendship for the United States. His plans of destroying Mr. Washburn, and all others who would bear witness to his atrocities, were frustrated by the arrival of the Wasp; and when the war is over and the facts are all known, Mr. Washburn says that the whole world will be aghast that such a monster as Lopez could be a member of the human race.

"This part of the correspondence sent to the Senate is very materially emasculated, on the ground that the Secretary of State did not consider himself justified, under the Senate call, to arraign a co-ordinate branch of the government, and therefore what General Webb says in his dispatches of the neglect of duty by Admiral Davis, and the disgrace brought upon us by his refusal to employ the large squadron under his command in defense of our national honor, as also his assertion that the annual cost of a first-rate steamer exceeds the entire cost of the diplomatic corps of the United States, &c., has been suppressed. All this will doubtless appear under the call of the House of Representatives; but that will be sent in at so late a period of the session that legislative action on it will be impossible.

"The following history of the affair, as gathered from the conversations of General Webb and Mr. Washburn, will enable you to fill up the omissions in the published correspondence.

"When, in 1865, Minister Washburn was on his return to his mission at Asuncion, Paraguay, the commander of the Brazilian naval forces, as also the commander-in-chief of the allied armies, refused to permit him to pass their line of blockade. He was detained, either at their headquarters or below it, for more than a year, when General Webb, on his return to Rio, in 1866, demanded of the Brazilian government that they must either withdraw all hindrance to his passing their lines, or at once give him (General Webb) his passports. The hindrance to Mr. Washburn's going to his post of

duty was thereupon withdrawn, and in October, 1866, the United States steamer Shamokin, with Minister Washburn on board, passed the allied lines of blockade.

"Mr. Washburn had been quietly at his post two years, when, in consequence of the disturbed state of the country, the Secretary of State addressed a note to the Secretary of the Navy, by order of the President, directing him to have a vessel detached from the South Atlantic squadron and dispatched to 'relieve Mr. Washburn and family from their embarrassing and probably dangerous position.' Admiral Davis was accordingly instructed to send a vessel to Asuncion for Mr. Washburn and his family. The United States steamer Wasp was thereupon sent up the river in discharge of that duty. On arrival at the allied headquarters the Marquis de Caxias peremptorily refused to permit her to pass his lines of blockade, and at the expiration of seven weeks she was compelled to return to Montevideo, at the mouth of the Plata. Lieutenant Commander Kirkland promptly reported the failure of his mission to Admiral Davis, then at Rio, and the Brazilian press boasted of the fact that the United States had been snubbed. Unfortunately, Mr. Seward, assuming, of course, that the right of passing the blockading lines having been settled by General Webb in 1866, there could be no possible obstruction to our minister being sent for in 1868, did not deem it necessary to apprise our minister at Rio of his intention to send a national vessel to Asuncion after Mr. Washburn. Consequently, the first intelligence which General Webb had received of the indignity offered by the commander-in-chief of the allied forces to our flag was through the offensive publications referred to in the Brazilian press; but he, of course, could do nothing, and had no right to interfere, until his attention was officially called to the subject by Admiral Davis, under whose orders the Wasp had ascended the river and met with the rebuff alluded to.

"An entire week elapsed after the arrival of the mail steamer from the Plata which brought the intelligence of the indignity offered to our flag, noted in the publications alluded to, both in Portuguese and English, when General Webb met Admiral Davis and expressed his astonishment that this important subject had not received his prompt attention. The admiral replied that he knew nothing of the matter. True, he had received quite voluminous dispatches from Commander Kirkland, but they had been lying unopened on his table. He would, however, on going on board the Guerriere, look into the affair.

"On the following morning General Webb received a private note from Admiral Davis, expressing a wish that he, the minister, would obtain *permission* for the Wasp to pass the blockading lines of the allies. The general proceeded at once to the flag-ship, returned the private note, and asked the admiral to write him an official note complaining of the outrage—for such he tried to convince the admiral it was—and especially to avoid saying anything about *permission* to relieve our minister from his critical and dangerous position.

"The admiral was at length roused to the gravity of the case, and agreed to have his official note and documents ready by ten o'clock the next morning, by which time the minister would get back from Petropolis, (forty miles distant,) where the archives of his legation were kept. At the time appointed, the minister was again on board the flag-ship, when the note to be addressed to him by the admiral was again modified to suit the circumstances of the case, and the minister, thus armed, proceeded to address his first note to the minister of foreign affairs, demanding the censure of the Marquis de Caxias, and the withdrawal of all hindrance to the Wasp's passing the allied lines after our minister.

"To this came the reply of De Souza, approving of the conduct of Caxias, and peremptorily refusing to let the Wasp go up.

"General Webb's position was now one of great embarrassment. He had no instructions from the State Department; he felt, in common with every American, that our flag had been outraged, and our country, to say the least of it, treated discourteously; he had the best reason for believing that the lives of our minister and family, and every member of his legation, were in danger; and he knew, beyond all peradventure, that the press and the public having approved of the Wasp's being turned back contemptuously, and the ministry having indorsed that approval in an official dispatch, nothing but a resort to extreme measures could force the Wasp up the river and save our legation. He was without instructions, and if he assumed the responsibility of resorting to extreme measures he was certain, if unsuccessful, to be censured, and most probably suspended and tried. But, as he says, the honor of the country was at stake; the representatives of every court in Europe were watching to report to their respective governments what amount of snubbing the great republic would peaceably bear; and the lives of our minister, his family, and legation were at stake. To have hesitated, under such circumstances, would not have been in character with the veteran editor of the Courier and Enquirer. He at once assumed the responsibility of construing the instructions of 1866 as applicable to the situation of affairs in 1868, in regard to which he had no instructions whatever, and was not even informed that Mr. Washburn had been sent for. And he, thereupon, again promptly demanded of the Brazilian govern-

ment the withdrawal of all hindrance to the Wasp passing to Asuncion, or his passports.

"This demand was made on the 13th of July, and on the same evening the liberal ministry resigned. The new ministry, ultra-conservative, reiterated the approval of the conduct of the commander-in-chief of the allied forces, and again peremptorily refused to let the Wasp go up. Pending this controversy, Admiral Davis used all his influence with General Webb to moderate his tone, and ask 'permission' for the Wasp to pass, declaring that, in his judgment, we could not claim to pass as a matter of right. General Webb insisted upon our right, according to every principle of international law. He admitted that if there were five roads to Paraguay, the allies might close four of them; but our diplomatic relations with Paraguay having been established in advance of their blockade, they must leave one road open by which we could communicate with our minister, and, as in this case, extricate him from an 'embarrassing if not dangerous situation.' At all events, the emergency was a pressing one. If Mr. Washburn and family were to be relieved, there could be no delay; and as certainly as he, General Webb, waived the right to go up, and with it his demand for his passports, just so certainly permission to go would be refused, in order to justify the Marquis of Caxias, and thus our country's flag be dishonored, and Washburn, his family and legation, be left to the tender mercies of the tyrant Lopez. The admiral then reminded the general of the risk he incurred in thus acting without instructions, and the probability of suspension or removal in case of failure. The general admitted all that was urged, but still persisted in adhering to the course he had marked out for himself, as due alike to humanity and to his convictions of what the national honor demanded.

"Three conferences took place between General Webb and the minister of foreign affairs of Brazil, at the request of the latter; and at the close of the last, General Webb compared his position to a car on a circular railroad, without any place to switch off, and which, of necessity, always returned to the starting point. The starting point in his case was—the Wasp must go up. From his position, that the Wasp must go up by right, he could not be persuaded, either by Admiral Davis or the Brazilian government; and it was finally arranged that the last dispatch of the Brazilian government, and General Webb's sharp reply to it, should both be withdrawn, and the Wasp go up without molestation. She went accordingly, and, as General Webb says to Admiral Davis, 'Thank God, in time to save the lives of Mr. Washburn and his family.'

"Mr. Washburn and his family were thus saved from the fate with which they were threatened; but Lopez, while he permitted their departure, after first declaring to Lieutenant Kirkland that he intended to keep possession of them, forcibly seized two members of our legation and kept them prisoners—an act of war, according to all well-settled principles of international law, and which rendered it impossible for Mr. Washburn's successor to recognize, or present credentials to him, until he had given satisfaction for his disgraceful and lawless conduct.

"When the intelligence reached Rio, on the 5th of October, Admiral Davis had proclaimed that his squadron would sail for the River Plate on Saturday, the 10th; and officers were on shore, settling up accounts, &c., although no written order had been issued fixing the day of sailing. On receiving Mr. Washburn's report, General Webb hurried on board and begged the admiral to sail on Thursday, the 8th, instead of Saturday, the 10th, and thus gain two entire days, and also urged him not to send the Shamokiu home to be broken up, because she was as well qualified to do river duty as any vessel of his squadron; all of which, the *Guerriere* excepted, could go to Asuncion. He had five steamers, viz., the Pawnee, Kansas, Shamokin, Quinnebang, and Wasp, all capable of going to Asuncion—a force greater than the combined available force of the English, French, Spanish, and Italian squadrons—all of which were discharging the duty which belonged to us, and resenting an insult to our legation, while our squadron was lying idle in the bay of Rio.

"But the admiral resented the minister's application as an improper interference with his command, and not only refused to expedite his day of sailing to the 8th, but actually deferred his departure to the 29th, in order to gratify his feelings against the minister, much to the annoyance of every American in Rio, and greatly to the injury of our national prestige. And he refused to give any credence to Mr. Washburn's report, which, he said, was the production of a crazy man, written in apprehension of his life after all danger had passed, &c., &c. But all this appears in the correspondence inclosed.

"News received to-day demonstrates that if Admiral Davis had moved promptly when it was his duty to have hastened to the Plata, our national honor would at once have been vindicated, and this disgraceful affair have been avoided. General Webb is quite right in saying that he and the admiral cannot both be right, and that, in view of the great scandal they have caused, one of them should be severely censured and recalled. And Congress should heed what he says about the expenditures of the Navy Department. At least ten millions, now thrown away upon squadrons which are of

no use when most required, may be saved in the annual expenditures of that department.

"You will perceive that Admiral Davis was right in his prediction to General Webb that if unsuccessful in the course he adopted he would have been suspended at least. Mr. Seward's dispatches clearly demonstrate that Webb only escaped censure by the success of his energetic course; and if, as Mr. Charles A. Washburn says, that energy saved the lives of himself, family and legation, and at the same time vindicated the national honor, and received the applause of his diplomatic colleagues—all of whom stood by him—he can have nothing to regret in the whole of this proceeding.

"General Webb's justification of Minister Washburn in the *Brazilian Times* is complete; and at the same time his card removes from our government and minister the odium which attached to them in consequence of our squadron's lying idle in Rio and permitting others to do its work. But public sentiment at length drove Admiral Davis to the Plate, where events demonstrated that he should have gone at once.

"T.

"NEW YORK, *Monday, January 25, 1869.*"

I now propose to say to the committee, in answer to their question, that I first learned that the United States steamer *Wasp* had been sent from Montevideo to Asuncion for Minister Washburn and family, through the medium of the Brazilian press, which declared and boasted that the commanding general of the allies had refused to let her pass, and virtually bragged of the manner in which we had been enubbed by Brazil. Meeting Admiral Davis some days afterward, I asked whether he had received any information or reports from Commander Kirkland, and whether it was true that he had sent the *Wasp* up the river for Mr. Washburn, and that she had been sent back. He said he had received orders from the Navy Department to detach the *Wasp* for the purpose of bringing down Mr. Washburn and his family, but that he had not known until I mentioned it to him, that she had come back to Montevideo. I inquired whether Commander Kirkland had not reported his arrival and the facts of the case. He answered that he had certainly received very voluminous letters from Commander Kirkland, some four or five days previously, by the mail; but that they were then lying on his table unopened. I called his attention to the great importance of ascertaining what Commander Kirkland had reported; and pointed out to him, that if the *Wasp* had been sent back it was his duty to report the facts officially to me, in order that I might insist upon our rights, and obtain an order for the *Wasp* to go up. He informed me that immediately upon his return to his ship he would open those dispatches and ascertain whether the reports in the newspapers were true. He was then on the eve of taking a drive with Mrs. Davis on the north side of the bay, near my residence. I went to my house, collected the Brazilian papers which had spoken of the return of the *Wasp*, and went down to the admiral's boat and placed them in the hands of the coxswain, with a request that upon the admiral's return to go on board, he would place those papers in his hands, that he might see what had been said. That same evening, or early the following morning, I received a private note, on very small note paper, asking me to obtain permission from the Brazilian government to allow the *Wasp* to go up to Asuncion with Mr. Washburn. Of course I could not act upon such information, and I repaired on board the flag-ship as soon as possible, returned to him the private note, and pointed out the absolute necessity of his giving it an official form. I told him I would then leave the ship and go to Petropolis, some forty miles distant, where the archives of the legation were kept, and get certain documents which it would be necessary to use, and come down early in the morning; that I would be on board again between ten and eleven o'clock, when I hoped he would have ready the official letter agreed upon in regard to the *Wasp* having been sent back. I went to Petropolis and selected the necessary documents, remaining there during the night, and was back on board the flag-ship by half-past ten the next morning. The admiral had prepared a letter, which, however, did not cover the points of the case sufficiently well; and then, at my request, he showed me the original letter from the Secretary of State to the Secretary of the Navy, reciting the condition of Mr. Washburn and his family, and asking that a vessel might be detached to bring them down; and also the order from the Secretary of the Navy directing him, the admiral, to detach some one of his smaller vessels for that purpose. I then suggested the necessity of referring to these letters in his report to me, and also other changes, making the letter such as I thought would abundantly justify me in the course I deemed necessary to pursue in negotiating with the Brazilian government. I left the ship, and commenced immediately a correspondence with the government. At the proper time, and within a few hours, the admiral sent me his corrected letter containing the report from Commander Kirkland, and copies of his correspondence with Mr. Washburn and the commander-in-chief of the allied forces.

I would now again say, that instead of proceeding further with the details of this matter, I find in the *New York Times* of January 28 a letter purporting to be from its Washington correspondent, (see previous testimony of General Webb,) which, I admit,

was virtually dictated by myself, and all the statements in which, having reference to Admiral Davis and myself, are strictly and literally true, and, with the consent of the committee, I offer the whole of it as constituting a part of my testimony—thereby saving to all parties considerable time—not, however, being responsible for so much of this letter as refers to other parties.

I also refer the committee to the correspondence between Admiral Davis and myself, as furnished by me to the Department of State, and also my dispatches in relation to this matter.

[The dispatches referred to by the witness are published in Senate Ex. Doc. No. 5, 40th Congress, 3d session.]

I desire that the dispatch (Mr. Webb to Mr. Seward) No. 75, dated October 24, 1868, may be here inserted in full as written, the Department of State having only furnished extracts from it in the document just referred to. It is as follows:

“ Mr. Webb to Mr Seward.

“ No. 75.]

“ LEGATION OF THE UNITED STATES,
“ *Rio de Janeiro, October 24, 1868.*

“ SIR: I have the honor to inclose herewith the continuance of my correspondence with Rear-Admiral Davis, numbered 3, 4, 5, and 6; No. 2 having already been forwarded with my dispatch No. 74, via England.

“ In so much of that dispatch as assumed that Admiral Davis is popular on ship-board, I was in grievous error, as the long-suppressed quarrels and bickerings now become public scandal, and which terminated in the removal of Captain Corbin from the command of the flag-ship, the arrest and trial of the executive officer, &c., too clearly demonstrate. That the admiral is a scientific officer there can be no question; and yet, as an American, in view of the general obloquy he has brought upon our country, I cannot but regret that he should have been translated from the observatory, where he was in his element, to the command of a squadron, where he is entirely out of place, and apparently ignorant of his duties.

“ In my second letter to the admiral I give only an extract from my hasty private note, written at the consulate, and asking a boat to be sent me. To show that my only object in suppressing any part of that note was to save time and labor, I now place the entire note before you. It was as follows:

“ ‘CONSULATE, 12½.

“ ‘MY DEAR ADMIRAL: I inclose for your perusal a letter from Washburn. I think we should talk this matter over, and see if anything can be done to relieve the two members of the United States legation, so outrageously seized by Lopez. It is one of these cases in which to do nothing is to do wrong, and it appears to me that the mere fact of sending up a force to look after our people would, at least, avert much reproach that will otherwise fall upon us.

“ ‘As to sending Washburn from the La Plata in a United States gunboat, that is quite unnecessary. Our government has brought him down from Asuncion, and that is demonstration sufficient. Now our duty is to look after the other members of the legation. No matter who appointed them, our obligation is equally binding. But I will come to you at two, or a little sooner. I have an appointment at the Foreign Office at one o'clock, and write this that you may turn the matter over in your mind before I join you. If your boat is at the landing at quarter to two, I shall doubtless be there.

“ ‘Your friend,

“ ‘WEBB.’

“ In making this copy I have underscored the words ‘we’ and ‘our,’ because I learn from good authority, that in using those words I offended the admiral’s self-esteem; his fleet captain and confidential adviser having declared that, in the admiral’s judgment and his own, I was meddling with what did not concern me, and that I had no more to do with it than any other American at Rio.

“ This accounts for my reception by the admiral, as detailed in my second note to him, marked 4, and dated October 9, when he declined doing anything; and so specially to hurry his departure, fixed for the 10th, and get off on Thursday, the 8th. I told him he left me no alternative but to address him an official note, recapitulating all I had said, and urging him to take up the Paraguay every vessel of his squadron of light draught of water, five in number. He said he hoped I would do nothing of the kind. I replied that it was my duty so to do, and make a requisition upon him for the employment of the squadron in the present emergency, and having done that, the responsibility of refusing to act would rest upon him. He answered, ‘I will write in reply; I do not choose to respond to your call. No, I will not say I do not choose to; I will reply, that on my arrival at the river I will investigate the matter.’ I rejoined, ‘There is nothing to

investigate. I have placed in your hands Mr. Washburn's report to me ; and that, and his letter to the British minister at Buenos Ayres, cover the whole ground.' In answer to this he said that Washburn's letter was not worthy of credit, as his fears for his life had disqualified him as a witness ; he was a frightened man, and his letter to me showed that he had not yet recovered from his fears. I insisted that I knew Washburn and indorsed all he had written, and that he, the admiral, had no right to listen to, or put faith in, what others said. We then agreed that our official differences of opinion in regard to a question of duty need not, and should not, cause any change in our personal relations.

"This was on Monday, the 5th. Mrs. Davis and daughter had spent the previous Thursday, Friday, and Saturday at our house ; and the admiral, Friday and Saturday ; and he desired me to say to Mrs. Webb that, with one exception, it was the pleasantest visit ever made in his somewhat protracted life. I replied, 'Then why not repeat it ?' and he answered that he certainly should do so.

"Judge, then, of my surprise at the receipt of his letter of the 8th. He is an exceedingly weak man, notwithstanding his accomplishments, and has those about him who have led him astray. One thing is certain ; we cannot both be right, and one of us should be severely censured, if not recalled.

"I will not attempt to describe the general feeling of indignation among Americans at the inaction of our squadron and the contemptuous terms in which intelligent men of all nationalities speak of us. To show that neither our government nor its minister are to blame in this, I inserted in a card defending Mr. Washburn, which I published yesterday, a paragraph to which I call your personal attention. You will find that card enclosed.

"General McMahon arrived in the steamer Mississippi on the 21st, and called on the 22d, after having been on board the flag-ship both on the 21st and 22d. Before showing me his instructions from you, he inquired if there would be any obstructions to his going up the Paraguay to Asuncion. I asked if he had any such purpose in view. He said that he had ; that Admiral Davis intended to take him to the river next week, when he would change his flag to one of the smaller vessels (the Pawnee) and take him up to Asuncion, in order that he might present his credentials to Lopez and liberate Bliss and Masterman.

"I told him (McMahon) that it was absolutely impossible, and would bring disgrace on our country ; that Lopez was an outlaw, in consequence of the outrage perpetrated on our legation ; and that to offer letters of credence to him, under existing circumstances, would simply disgrace us.

"He said there were so many versions of what had occurred that he could not decide what to do until he reached the river. I replied, 'That is an error ; there is but one version of the facts of the case to which you or I or the admiral can refer, or which we can receive, and that version is contained in the official report of your predecessor, the duly accredited minister of the United States to Paraguay, and indorsed by me from my knowledge of the man and his official character.'

"I then placed in his hands, for perusal, my correspondence with Admiral Davis. What subsequently passed between us may be gathered from the following letter, which I addressed to him yesterday, but which was not sent until to-day :

"LEGATION OF THE UNITED STATES,
'Boa Viagem, October 23, 1868.

"MY DEAR SIR: When you did me the honor to call at this legation yesterday, and intimated your intention to go up to Asuncion accompanied by Admiral Davis and the smaller vessels of the United States squadron, with a view of presenting your credentials to President Lopez and demanding the release of the members of our legation forcibly detained by him, I at once said that nothing of the kind could be done without bringing deep disgrace to our country, and rendering her the laughing-stock of the world. That the bare idea of presenting credentials from the United States government to a wretch who had just perpetrated against us the greatest outrage known to international intercourse, was something monstrous.

"To this you answered that there were so many versions of what had taken place in Paraguay, that you would not decide what to do until you reached the La Plata. I replied, 'That is an error. There is but one version of the facts of the case, to which you, I, or Admiral Davis can refer, or which we can receive, and that version is contained in the official report of your predecessor, the duly accredited minister of the United States to Paraguay, and indorsed by me, from the knowledge of the man and his official character.'

"I then placed in your hands, for perusal, my correspondence with Admiral Davis, urging him to employ the squadron under his command for the sole and only purpose it is kept here, viz, the vindication of our national honor, and the protection of the commerce and lives of our people, instead of keeping it idle in this harbor, when the ships of other nationalities are hastening to the scene of outrage upon us, and, through us, upon the civilized world. You proceeded to read what I placed in your hands, and

when nearly through with it, handed me your official instructions from the State Department, directing you to see me before you proceeded to the river.

"After you had finished reading the correspondence, upon which no comments were made by either of us, you proceeded to detail your programme on arrival at the La Plata. I listened and said, I did not like to make any comments upon it, unless you requested me to do so; although I freely admit, that on further reflection I should have deemed it my duty to have earnestly protested against any such proceeding, and distinctly have placed before you what I considered to be your duty in the premises. You thought of addressing a letter to the admiral setting forth your official character, &c., &c., and that you desired to present your credentials, and deliver to Lopez certain very friendly messages and assurances from the President, which he, the admiral, might send to Lopez.

"I advised against any such proceeding, and against your making any advances whatever toward Lopez; the whole matter having entirely changed since you were accredited to Paraguay. Lopez has placed himself entirely beyond the pale of civilized nations; and least of all can the United States have any intercourse with him, except through the naval and military power of the country. To me your duty appears very simple; and I will proceed to give you my view of it, holding myself responsible to our common superior for so doing.

"I think you should at once address an official note to Admiral Davis, stating who you are, and requiring from him the employment of the naval force under his command in rescuing the members of Mr. Washburn's legation, forcibly seized by the tyrant, in violation of every principle of international law and the comity of nations; and you should particularly press upon him the gravity of the emergency, and strive to enlighten him in regard to his duty in the premises, in order that our country may, as far as practicable, be relieved from the odium of being careless in affording protection to our legations throughout the world, and unmindful of our national honor; all of which he has most unhappily brought upon us by his obstinately refusing to employ our large squadron on this station in vindication of the national honor, instead of keeping it idle in this harbor, where it is of no more value than if at the bottom of the ocean. Strive to impress him with a realization of the disgrace inflicted upon us by leaving to other nationalities the defense of our honor and dignity when he and his squadron are here for no other purpose. Remind him that while for the purpose of this emergency his squadron is larger and more available than the combined squadrons of England, France, Spain, and Italy, he has left to them exclusively the vindication of our national dignity from the gross offense perpetrated against the civilized world, through the United States.

"You will find the admiral an amiable, courteous, and scientific gentleman, and doubtless without a superior as the superintendent of our national observatory, but utterly ignorant of the rights of legations, of the principles of diplomacy, and of the relative rights and duties of our ministers and naval commanders on foreign stations.

"Do all in your power to induce him to take all his squadron, except the *Guerriere*, up the Paraguay, and from the deck of the flag-ship send a flag of truce into the country, demanding, without parley, the immediate surrender of Bliss and Masterman. But let him not whisper even, much less proclaim, that since Lopez's outrage upon our legation, it is possible that under any conceivable state of things we can send him a minister until our government at Washington has declared itself satisfied and conciliated. He has virtually declared war upon the United States, and neither you nor I have a right to make peace, or to decide what the offended dignity of our country demands. If he is no longer in authority, then you have nothing to do with him; while if he is, then it is for our government to deal with him, and you and I have nothing to do but await its action. If, in the mean time, the allies shall set up a government of their own in Paraguay, as by treaty they are pledged to do, most assuredly you can have nothing to do with that affair; and if recognized at all, it must be by our government, and not by you or me. And you will do well to enlighten the admiral in regard to his duties in such a contingency, which in all probability is certain to occur.

"Under all the circumstances of the case, then, it is manifest that it is your duty to remain quietly at Buenos Ayres, or in that region, until you can receive further instructions from Mr. Seward. All your instructions and all your messages from the President to Lopez are canceled by the latter's act of war against the United States. This letter to you will constitute a part of my dispatch to the Department of State, by the Mississippi on the 26th, and beyond all peradventure you will be in possession of fresh instructions on or before the 1st of January, which will be less than two months after your arrival at the river. They will come by the return steamer, or if not, then by telegraph to our legation in London, and hence to the river by any one of the seven steamers now sailing monthly from Europe to the La Plata, touching at Rio.

"My only apprehension is that if Bliss and Masterman are still alive, they will have been rescued by one of the vessels of war belonging to other nationalities, now in Paraguay. That such is their intention, *I know*, and such intentions are not concealed in

the general indignation of the public at the non-action of our show-squadron on this station. God grant that we may be spared that blow.

"In my opinion, your course is a very simple one. You have no duties to discharge in connection with Paraguay. Lopez, by an act of war against the United States, has canceled alike your duties and your instructions; and nothing remains for you to do but to consult the honor and the dignity of your country, by remaining here or in the La Plata until you can hear from Washington.

"I inclose you a copy of Mr. Washburn's official letter to the British envoy extraordinary and minister plenipotentiary to the Argentine Republic, and through him to the other legations in Buenos Ayres. This is a duplicate of the one sent to me by Mr. Washburn, and which I sent to Admiral Davis, indorsing its authenticity, and I furnish it to you under like circumstances.

"Wishing you and your sisters a pleasant passage to the La Plata in the *Guerriere*, I am, my dear general, very sincerely, your colleague and obedient servant,

"J. WATSON WEBB.

"His Excellency General MARTIN T. McMAHON,

"United States Minister Resident to Paraguay."

"I should have stated sooner that when the Brazilian Times announced, on the 8th, that the United States squadron was under orders for the river, Admiral Davis, who had that day written me the exceedingly offensive note which called forth my second letter, addressed the editor of that paper as follows:

"FLAG-SHIP *GUERRIERE*, October 9, 1868.

"MY DEAR SIR: I am very much obliged to you for the two papers which you very kindly sent me, and I shall have the pleasure of saying this in person on my return from Petropolis.

"I see in these papers that you take an interest in the movements of my squadron, but that the source of your information is incorrect. Not only is the squadron not under orders for the La Plata, but no single vessel of the squadron is under sailing orders at this moment for any place.

"Very truly yours,

"C. H. DAVIS, Rear-Admiral.

"WILLIAM SCULLEY,

"Editor and Proprietor of the *Anglo-Brazilian Times*."

"I learn that the English have two boats up the Paraguay, and they are hourly expecting a third to arrive, which will be immediately sent up to join the Linnet and Beacon. France, Italy, and Portugal have one each. Lopez refused to give up his English prisoners to the English secretary of legation, Mr. Gould, who was on board the Linnet, and that gentleman immediately left to report to his minister at Buenos Ayres. Lopez then sent word to the French gunboat *Décidée*, that he was willing to release the Englishmen.

"Mr. Washburn writes me, under date of the 14th October, confirming the previous report that Lopez had shot both his brothers and his sister, the widow of General Barrios, who committed suicide some months ago to escape torture. And Mr. Matthew, the English envoy at this court, writes me as follows. Although his note is marked 'private,' I have his permission to send it to you:

"[Private.]

"OCTOBER 15, 1868.

"MY DEAR GENERAL: Will you allow me to ask what steps you are taking in consequence of the treatment of your legation in Paraguay? If the last letter published as from Mr. Bliss was genuine, its tone, I am sorry to say, confirms the belief that it was written under torture.

"Rumors of all kinds are, of course, rife, and I frankly confess that I expected ere this to have heard of some decided course of action, and I should be very sorry to see the prestige of the United States in this land affected by any unsuitable delay or hesitation in a case that seems worse than ours in Abyssinia.

"Indeed, I almost question whether all nations should not unite in bringing this monster to his senses. The latest accounts I see assert that Lopez had ordered his sister and his brothers to execution.

"With best regards to Mrs. Webb, believe me, my dear general, most truly yours,

"G. BUCKLEY MATTHEW.

"His Excellency General WEBB, &c., &c., &c."

"My only reply was a statement of the fact that Rear-Admiral Davis ignored my right to have any opinion on the subject, while his admiral, Ramsay, promptly responded to his calls, and sent every vessel he had up the Paraguay, and will send up the gunboat to arrive.

"The Emperor inquired of a gentleman only three days ago 'why Monsieur Webb

was so tardy. He was accustomed to be very prompt.' I furnished the answer in my letter in the Times of yesterday, defending the conduct of Mr. Washburn.

"I am mortified and grieved that in such an emergency we should have been so badly served by our naval force on this station; and solely because of a senseless jealousy of the Department of State and its representatives. The South Atlantic squadron has cost the United States treasury during the last three years not less than five millions of dollars, for which it has rendered no national services whatever, except such as could have been and were rendered by the smallest gunboats in the navy. And now, when an emergency arises in which it can be serviceable to the country, it does not suit the officer in command to employ it. Justly to estimate the character and cost of this refusal, you must bear in mind that the *Guerriere* and every other first-rate steamer in commission costs the government annually upward of \$400,000; or more than the entire diplomatic corps of the United States, including all incidental expenses, in any one year. And yet those 'first-rates' have become mere 'pleasure yachts' for those who command them. Rather expensive luxuries, these, in time of peace; and it is not very extraordinary that a man who is employed at an expense to the government of about half a million per annum, should hold in contempt the claims of one who costs the government only twelve thousand, *less income tax*. We have a great many 'first-rates' in commission, and nothing for them to do; and the time has arrived when our tax-payers, through their representatives, should inquire whether twenty gunboats in commission would not do the work of the country better than it has been done with one hundred and two vessels of war, including many 'first-rates.' And if the small number of vessels would render better service at a saving of from fifteen to twenty-five millions per annum, the government might be rendering a great service to the country by calling the attention of Congress to the fact.

"Very respectfully, your obedient servant,

"J. WATSON WEBB.

"Hon. WILLIAM H. SEWARD, *Secretary of State*."

Q. Had you any reason to suppose that Admiral Davis and Captain Ramsay entertained unfriendly feelings toward Mr. Washburn prior to their being informed of the arrest of Bliss and Masterman?—A. Certainly not. Nor have I any reason to believe that Mr. Washburn, up to that time, was ever discussed.

Q. Have you any such information after the arrest of Bliss and Masterman?—A. After the arrest of Bliss and Masterman was announced, it was generally understood that Admiral Davis, Captain Ramsay, and several other officers of the fleet, as well as the Brazilian press, openly denounced Mr. Washburn for having left Paraguay without bringing Bliss and Masterman with him. Of my own knowledge, I cannot say whether they did so denounce him.

By Mr. SWANN :

Q. When you say it was generally understood, do you mean to say it was the public opinion?—A. I mean to say that it was a matter of public discussion; that officers and others said to me, "Ramsay says it is cowardly; Admiral Davis condemns it."

Q. Did you publish a card in the Brazilian papers in reference to the withdrawal of Mr. Washburn from his mission at Asuncion?—A. I did. It was dated the 22d of October, 1863, and a copy of it sent to the Department of State. The card is as follows :

"LEGATION OF THE UNITED STATES,

"*Boa Viagem*, October 22, 1863.

"To the Editor of the *Anglo-Brazilian Times* :

"SIR: Now that the uncalled-for and inconsiderate abuse of Mr. Washburn, the United States minister to Paraguay, has abated, if not ceased, I desire to state one or two facts, calculated to vindicate the character of an American official who has faithfully discharged his duty, under very trying circumstances.

"In the first place, Mr. Washburn is the same individual who, in 1864, then United States minister at Asuncion, protested against the treatment of the Brazilian minister, Señor Viana da Lima, by President Lopez; and when he found that remonstrance was unavailing, threatened the tyrant to insist upon his passport and break up his legation, if da Lima were not treated with the consideration his diplomatic character demanded, and the necessary facilities afforded him to leave the country in a manner suited to the dignity of his position. For so doing, his conduct was greatly extolled by the Brazilian press and Brazilian officials, including his Imperial Majesty.

"Secondly. The peculiar character of Mr. Washburn's official correspondence with the Paraguayan foreign office is to be attributed solely to the dangerous situation in which he and his family were placed by Lopez, with a view, probably, to their destruction, and which is thus described in his report to me of what had occurred, dated Buenos Ayres, September 26:

"You will find a ridiculously long correspondence in regard to the different persons domiciled in my legation, which was published first by Lopez, in his Seminario, and has

been republished here. *On the continuance of this correspondence I felt that my life depended,* and my great aim was to prolong it till the arrival of the Wasp, which I was certain you would send up. *I wrote to gain time,* all the while cherishing the *hope* she would come before Lopez committed any violence against me; for had he once proceeded to that, he would have gone to the last extremity. For one whole month I felt that I would have compromised by simply being shot; but I was afraid of his *tortures*, which he applies to all who do not make such declarations as he desires. And then I did not like to give him a chance to put forth any declarations as coming from me, when I should not be alive to deny them. Our correspondence ceased when the Wasp arrived. To have terminated it sooner, by indignantly returning the first dispatch containing imputations on my character, would have insured my destruction. Thank God and you, the Wasp arrived, and we were saved.'

"Thirdly. Mr. Washburn is no more responsible for the publication of that correspondence than I am for the United States squadron lying idle in this harbor, when all the available men-of-war belonging to other nationalities have long since been occupying the waters of Paraguay, and doing all in their power to protect the lives of their citizens. There is just as much justice in censuring Mr. Washburn for publishing his correspondence with Lopez as there is in visiting upon my government, our people, or myself, the just indignation expressed by the public, that our squadron (all of which, except the flag-ship, is peculiarly adaptable to river service) should be the only passive one on the coast, in an emergency which demands prompt action, not only in vindication of our national honor, but in the discharge of our duty to the civilized world, which, equally with the United States, has been insulted by the gross outrage perpetrated on our legation in Paraguay.

"Fourthly. Mr. Washburn may have been imprudent in giving expression to his feeling in regard to the dilatoriness of the Marquis of Caxias in concluding the war against Lopez; but it must not be forgotten that he was the victim of that dilatoriness, and that it very nearly cost him his life.

"The Brazilian army has exhibited extraordinary *dash* and abundant *daring* whenever it has had an opportunity to exhibit its soldierly qualities; and he who vindicates its character merits the thanks, instead of the condemnation, of the Brazilian public.

"Fifthly. Mr. Washburn is censured and called hard names, because he seemingly abandoned members of his legation to the wild beast of Paraguay. This condemnation has its origin in a manly and generous feeling, which I fully understand and appreciate; but it is based on erroneous information. If the Wasp had been lying at the wharf of Asuncion, doubtless, from my knowledge of Mr. Washburn's character, he would have placed his wife and child on board and ordered the steamer to leave, while he returned to brave the tyrant in his den, and share the fate of the members of his legation. But such was not the state of affairs. Mr. Washburn says: 'I demanded and received my passports, and abandoned my residence, and, with my wife, child, and servants, and the two members of my legation, started for the steamer—not the Wasp, but a Paraguayan steamer, which was to take us to the Wasp. When approaching the steamer, Bliss and Masterman were arrested at my side, and forcibly carried away. What was I to do? Follow them, and leave my wife and child in the streets of Asuncion? We had no home to return to. Should I have placed my wife on board the Paraguayan steamer, and left them to the tender mercies of Lopez's minions? My diplomatic functions having been brought to a close by my own act, Lopez would not have permitted me to resume them, and the seizure of the members of my legation, as much entitled to protection as I was, demonstrates what kind of *protection* was in store for all of us, and of how little value it was to my legation as to my family.'

"I will only repeat the language of the Buenos Ayres Standard: 'If Mr. Washburn has erred, he has erred on the right side; and his government and his country will fully indorse his conduct, against all the calumnies and slanders now heaped upon him by evidence not worth the paper upon which it is written.'

"Very respectfully, your obedient servant,

"J. WATSON WEBB."

Q. Had you interviews with Admiral Davis and Captain Ramsay after the publication of this card?—A. Never; that was after my correspondence with the admiral.

Q. Do you know the impression which that publication made upon them; whether favorable or otherwise?—A. I have no means of knowing the impression that it made upon them; but I am bound to say that, from the publication of that card up to the time of my leaving Rio, I never knew an intelligent Brazilian, or an intelligent American, whether of the navy or not, who disapproved or censured Mr. Washburn, while I did hear very many persons of high standing and good position defend and justify the course Mr. Washburn had pursued.

Q. What was the impression first made upon your mind on hearing of the course of Mr. Washburn on his retiring from Paraguay; was it the same as that expressed by Admiral Davis and Captain Ramsay?—A. I confess that it made an unfavorable impression upon my mind, until I received his explanation.

By Mr. ORTH:

Q. Are you acquainted with Porter Cornelius Bliss?—A. I know him well.

Q. State when you first made his acquaintance, and the opportunities you had of becoming acquainted with him.—A. In June, 1861, after I was appointed minister to Brazil, Mr. Bliss applied to me to name him as secretary of legation, and produced a volume of letters of recommendation, including the most eminent men in the Eastern States, from Mr. Everett, and from gentlemen connected with most of the literary and scientific institutions in the East, setting forth his great knowledge of the Indian languages, and his great facility in acquiring them, and recommending him to anybody and everybody who might have anything for him to do. Circumstances rendered it inexpedient for me to suggest him to the President for secretary of legation, but I proposed to him that he should take the place of private secretary to my family and tutor to my children, which he accepted. He wished to go to England, and I had sufficient confidence in him to allow him to leave in advance of us. When in England, on my way to Rio, he joined me, and his duties as secretary commenced. He was in my family as secretary and tutor some eighteen months, during which period I insisted on his always being treated by my associates of the diplomatic corps as a member of my family. Shortly after taking up my residence at Petropolis the members of my family were invited to a reception by one of my colleagues, and Mr. Bliss omitted; in consequence of which I gave notice to that colleague that unless Mr. Bliss was included I could not attend. He immediately came in person and invited Mr. Bliss, and apologized for the omission, on the ground that he had not appreciated his position as private secretary. Mr. Bliss, during the time he acted as tutor, got up a Portuguese dictionary, and very generally his mind was diverted from his duties as tutor, and his whole inclinations and aspirations were totally different from the duties pertaining to the position he held in my family. He had the greatest facility of acquiring language of any person I have ever met; but as tutor he was not successful, nor was he so constituted that he ever could have accomplished much. My arrangement with Mr. Bliss was to continue during three or four years, but he became anxious to get into the country and engage in literary pursuits and investigations, and he made application to me to be discharged as tutor upon his paying me the sum of three or four hundred dollars. I told him that of course I could not receive anything of that kind; that I myself had arrived at the conclusion he was better qualified for anything else than for teaching, and that I would very cheerfully abandon the arrangement; telling him at the same time that with his facility of acquiring language, his very wonderful memory, and his devotion to study, it was quite within his power to make his mark within the next ten years. When we parted he wrote a letter to me, thanking me for our kindness to him, and showing clearly that the relations on both sides between us were of the most friendly nature. The last thing I did before his leaving the house was to give him an outfit for the Indian country. I should here state that Mr. Bliss, as I understand, was the son of a missionary to the Indians, and born in the Indian country; that he had grown up among that people, and had developed great aptitude in acquiring a knowledge of Indian languages. The learned men at Rio soon became advised of his aptitude in acquiring a knowledge of scientific matters, and treated him with a great deal of consideration, and I understood, also, that the Emperor received him on different occasions, and exhibited great kindness toward him.

Mrs. Webb became an invalid to such an extent that it was necessary to leave Rio, and I sailed for the river Plata in December, 1862, on board the United States ship *Jamestown*, and asked Captain Price to give Mr. Bliss a passage on board, which he did. Mr. Bliss first told me when he came on board the English steamer at Southampton, for Brazil, that he was not familiar with a word of the Portuguese language. He studied Portuguese on board the steamer, and, before he had been in Brazil one month, a Brazilian lady expressed to me her utter astonishment at the facility with which he spoke the language. When we embarked at Rio for the *La Plata*, I am satisfied that Mr. Bliss was quite ignorant of the Spanish language. At Buenos Ayres I informed our countryman, Mr. Edward Hopkins, that I wanted Mr. Bliss to get employment under the Argentine government to make explorations in their Indian country, and requested him to introduce me to the minister of the interior, Mr. Rawlson, who was the son of an American. I stated to Mr. Rawlson, in recommending Bliss for employment, that he knew nothing about Spanish, but could, beyond all question, very soon acquire it. Mr. Rawlson promised to give him employment, and did employ him to take charge of a party to make investigation in regard to the Indian languages in the Argentine Republic. Hearing that he had been so employed, I waited upon Mr. Rawlson and thanked him for having employed him at my request. He said to me, "You said this young man does not know anything about Spanish; why, he speaks Spanish as well as most foreigners in this city." I replied, "If he does, he has learned it since he left Rio." From the time I left Buenos Ayres to the present, I know nothing of Mr. Bliss.

Q. How did you regard his character for integrity and veracity?—A. I have no doubt of his integrity. I have no means of judging of his character for veracity, except from his daily intercourse with the children, or something of that kind. As tutor,

I felt that he never impressed upon the children sufficiently the importance of truth. I do not know that he ever made any misrepresentations to me.

Q. Did you dissolve your connection with him because of his want of character for veracity?—A. I dissolved my connection with him, more than for any other reason, because of his utter disqualification for teaching; because he was passionate, and because he did not impress upon the children various things which I required him to do, and, particularly, the importance of truth.

Q. Did you tell Captain Kirkland, or any other person, you discharged him on account of his want of character for truth?—A. Never. I cannot say that I discharged Mr. Bliss at all. He, himself, was anxious to go.

By Mr. SWANN:

Q. What brought particularly to your notice the fact that he did not teach the importance of truth in the education of your children?—A. I cannot allude to any particular case at this time.

By Mr. WILKINSON:

Q. Did you, or not, regard his failure to impress the importance of truth upon your children as different from a man who would deliberately tell a falsehood?—A. If you should ask me the question whether, from my knowledge of Mr. Bliss, during the time of which I have been speaking, I would believe him under oath, I should answer that, without hesitation or qualification, I would. I would give full credence to Mr. Bliss under oath, or in any serious statement he should make to the public or to me.

By Mr. SWANN:

Q. Was he a man in whom you reposed entire confidence, and whom you would be disposed to trust under trying circumstances?—A. He was a boy of twenty-one or twenty-two at that time, and there are very few I would put implicit confidence in at that age, under trying circumstances. I cannot say that I would, and yet it would depend entirely upon what were the circumstances, and what the position was.

By Mr. WILKINSON:

Q. At the time he left you, was his character such, in your estimation, that if he had related to you an important fact, in which he himself was interested, or any other party was interested, you would have put full confidence in his statement?—A. Unlimited. If he had come to me and stated that such and such were facts, I would not have doubted his statements. I have no hesitation in saying that I believe the whole of his statement in relation to the conduct of Lopez toward him in Paraguay.

WASHINGTON, November 13, 1869.

Examination of JAMES WATSON WEBB continued:

When the committee adjourned yesterday I was being examined in relation to the character of Mr. Bliss for truth and veracity, and the chairman had asked me whether I had ever said to Captain Kirkland, or to any person, that I had discharged Mr. Bliss for lying and in consequence of his bad character. I replied that I had never so stated, and proceeded to show that it could not be true, by stating the circumstances under which we had parted. I have since read the testimony of Admiral Davis before this committee, in which he says he received a letter from Commander Kirkland informing him that I had told Kirkland that I had discharged Bliss for lying, &c.; and I presume the chairman's question was based upon that testimony. The letter referred to by Admiral Davis, from Commander Kirkland, bears date June 5, 1869. More than six years since I met him casually at Montevideo, a young lieutenant in the navy, whom I had never seen before and never expected to meet again. He writes to the admiral as follows:

"I considered Mr. Bliss to be an unfit subject to mess and live with gentlemen, as in January, 1863, General Webb had him for a private tutor, and brought him to this river from Rio Janeiro, where he left him because he was a natural liar, whose example, the general feared would contaminate his children. This I heard from the general's own lips at that time January, 1863."

Now, I would submit to the committee whether it is probable that I could have made any such false declaration to Lieutenant Kirkland, an entire stranger to me, in January, 1863—I having left about the 10th of that month—and at the very time when I had induced Captain Price to give Mr. Bliss a passage from Rio to the La Plata; when I had indorsed Bliss's character and procured for him an appointment in the Argentine Republic; and, finally, when taking leave of him, (Bliss,) I had requested my wife to make him a loan of money, if he needed it, which he declined! I had never seen or heard of such a person as Lieutenant Kirkland until my arrival at the river, and saw him then but a very few times. It is, therefore, utterly and absolutely impossible that while I was using my personal influence and my official character to get a place for Mr. Bliss, eulogizing his ability and vouching for the correctness of his con-

duct, and offering to loan him money, I could have used the language to the lieutenant that I had discharged him for lying, thereby virtually contradicting all my actions. I will state to the committee that I separated from Mr. Bliss because he was not qualified to be a tutor of children; because his whole manner and all his habits of life were utterly contrary to those of my family; and that, although he never misrepresented the truth to me, yet there was a disregard, or rather an absence of appreciation of truth in his intercourse with the children and in teaching my children, which I greatly disapproved; but at the same time I have no hesitation in saying that I would believe, without any doubt, any representation made to me by Mr. Bliss, upon any serious question, and I would not hesitate a moment to give full credence to his testimony under oath.

The committee will observe that so far as I have any interest in this investigation, beyond what is purely of a public character, it becomes my duty to sustain my reports to the government in regard to the action of Admiral Davis, while in command of the fleet, and my version of the causes which induced him to delay proceeding to Paraguay, when in my judgment the interests of the country demanded that he should proceed promptly. I attributed, in my dispatches and letters and conversation, the refusal of the admiral to comply with the requisition I officially made upon him to a jealousy on his part—a jealousy which, unfortunately, exists in the navy—in regard to the respective rights and duties of ministers and naval officers. I believe, and I have reported to the government, that the delay which took place would never have occurred if I had not innocently felt it my duty to insist upon his expediting his departure. That being the issue between Admiral Davis and myself, I find in his testimony an attempt to attribute the delay in his movement to other causes. On page 4 of the manuscript testimony of Admiral Davis I find the following questions put to him:

“Q. When did you receive the first official notice of the imprisonment of Bliss and Masterman?—A. I must have received the first information from the letter of Mr. Washburn to Mr. Stewart, the British minister at Buenos Ayres. I then learned for the first time of their imprisonment.

“Q. You determined *then* to proceed to Paraguay and effect their release, without awaiting instructions from the department?—A. Yes, sir. I waited, however, for our minister to arrive.” [And at page 90 he says he *knew* he was coming “out in that steamer. That was my *motive* for waiting.”]

“Q. He brought no instructions?—A. No, sir; but I considered it his business. He, as minister to Paraguay, had a right to be consulted, and needed to take direction. That was the intention of the government, as he was specially instructed to act in co-operation with me, and I in co-operation with him.”

The information obtained from Mr. Washburn's letter to the British minister at Buenos Ayres must have been, according to the best of my recollection and knowledge of dates, on the 5th day of October, when it appeared in the Brazilian papers; and the admiral swears that *at that time* he determined to proceed to Paraguay and release them, but that he awaited the arrival of our minister, who, he assures the committee, he *knew* would arrive in the next steamer.

If this testimony of the admiral be of value, it arises simply from the fact that he actually possessed such knowledge. I was there officially, in constant communication with the government, and I had no knowledge of the kind; and I did not know that General McMahon would arrive in the next steamer. I have, therefore, gone into an investigation of the dates of several published official documents, in order to discover how it was possible for Admiral Davis to be in possession of the fact that the minister would arrive in the next steamer, to reach Rio on the 20th, when I had no means of coming to such a conclusion.

In the first place, the admiral left my house on the evening of the 3d day of October, after dinner, and after having spent several days with his wife and child at the legation, as my guest. At the dinner table, on the 3d of October, he stated distinctly that he should sail from Rio on the following Saturday, it being the 10th of October; or, if he did not get off on Saturday, the 10th, he would most certainly leave on Monday, the 12th, or possibly Tuesday, the 13th; but he had no doubt about getting off on the 10th. On Monday, the 5th of October, I met an unusual number of officers in the streets of Rio, and learned from one or more of them that they were there for the purpose of settling up their accounts, because the admiral had given notice he would sail on Saturday, the 10th, and on reference to my correspondence with the admiral it will be perceived that I say, in substance, to him, “that inasmuch as you are prepared to sail on the 10th, let me beg you to get off on Thursday, the 8th, and thereby save two days.” At that time, bear in mind, the admiral had full knowledge of the fact that these gentlemen of the legation had been seized, and we were actually corresponding about the necessity of his moving to their relief. It appears to me, therefore, utterly impossible that, on the 5th of October, when he refused to move, his “motive” in so doing was, as he alleges *now*, to await the arrival of General McMahon; and it is equally impossible, that at that time he could have known, as he says he did, that General McMahon would arrive in the next steamer. Had it been his intention to await

the arrival of the new minister on the 20th or 21st of October, why announce to me, and to all at my table, that he would sail on Saturday, the 10th; and why give notice to that effect to the squadron, in order that the officers might settle up their accounts? These are conjectures, based on a common-sense view of the case. Now let us look at the *facts* in regard to the dates, and see if it were possible, under any circumstances whatever, that he could have possessed such knowledge, or have been controlled in his movements by such "motives."

Anterior to September, General McMahon had been appointed minister to Paraguay, and ordered to proceed to his post of duty. The State Department learning from me the difficulties that existed in regard to the Wasp, and that the Wasp had been stopped by the allies, in passing up to Asuncion, instructed General McMahon, on the 18th of August, *not* to leave the country until he received further orders. On the 2d of September, 1868, Mr. Seward addressed to General McMahon the following:

"When, on the 18th of August last, you were on the eve of your departure for Asuncion, the capital of Paraguay, as minister resident of the United States to that republic, this department, by direction of the President, requested you to remain in the United States until you should receive further instructions. The occasion of that direction was, that Rear-Admiral Davis, who commands the United States South Atlantic squadron, had just then reported that he had sent the United States ship of war Wasp up the Parana, for the purpose of bringing away your predecessor, Mr. Charles A. Washburn, and his family, from Asuncion. * * * * *

"To-day I received from Mr. Webb a dispatch, which bears date August 7, and which came from London by cable, in which dispatch he says that the Brazilian ministry has yielded to his request, and that the Wasp goes to Asuncion.

"The information thus received is deemed sufficient to warrant your proceeding at once, by the next United States steamer, to the seat of your legation."

Now, the next United States steamer was to sail September 23. That dispatch most probably did not reach General McMahon, in New York, until the 4th. By what means, then, could the admiral know of its existence at Rio, on the 5th of October? If General McMahon wrote to Captain Ramsay, by the steamer of the 5th, via England, the day after the receipt of this letter from Washington, it would not reach England before the 17th. There is no telegraph from England to Rio Janeiro, or any part of Brazil, and the first steamer from England would be that of 20th of September, from Liverpool, due in Rio in twenty-four days, she being a freight propeller. That would make its receipt in Rio fall on the 14th of October, whereas my correspondence with the admiral, in regard to this movement to Paraguay, commenced on the 5th of October, and terminated on the 10th, the very day which he had fixed for his departure—my application for his departure having been made and refused on the 5th. It appears, then, to be morally and physically impossible that any information could have been in the admiral's possession, by private letter, apprising him that General McMahon would arrive in the steamer of the 23d, and I, therefore, again give it as my firm belief that the admiral did intend to sail on the 10th, without having any idea of the arrival of McMahon, and that he remained in the harbor of Rio, not for the purpose of receiving General McMahon, as he alleges, and of whose arrival he could not have knowledge, but because, as I have said to the government, I, as minister, had urged him to expedite his departure from the 10th to the 8th. I consider the declaration now made, that he knew that McMahon was coming, a mere subterfuge, not sustained by what possibly could be the facts of the case, and palpably an after-thought. But the admiral also says that he waited for the minister to Paraguay, "who had a right to be consulted and needed to take direction, and that was the intention of the government, as he was specially instructed to act in co-operation with me, and I in co-operation with him."

Now, mark this additional specific reason assigned for delay. The committee asks the admiral: Did General McMahon, when he arrived on the 21st, bring any instructions? The admiral answers in the negative. It is true that the government did expect and did order that General McMahon and the admiral should co-operate, but *not* previously to the 5th of October. That order was not given except in a dispatch dated Washington, November 21, which would arrive at Rio only on the 20th of December, and yet the admiral says that a knowledge of that fact on the 5th day of October, forty-six days before its existence, induced him to determine not to move until General McMahon had arrived. On the 21st of November Mr. Seward writes to General McMahon as follows:

"SIR: I transmit a copy of the orders which have been issued by the Secretary of the Navy to Rear-Admiral C. H. Davis, commanding the South Atlantic squadron, occasioned by recent events in Paraguay, in connection with your predecessor and other citizens of the United States. The department had not yet received from Mr. Washburn detailed reports upon the subject. No doubt, however, you will, by personal intercourse with him and from other sources, have obtained such a knowledge of the facts as will enable you to proceed judiciously, in co-operation with Admiral Davis, for the purpose of vindicating the honor of this government and the rights of any of the citi-

zens of the United States in Paraguay who may not be able to obtain redress through the ordinary channels."

That is the dispatch dated November 21, by which alone the minister and admiral had been ordered to co-operate; and yet he tells this committee that on the 5th of October he determined to await General McMahon's arrival, which he had knowledge would be by the next steamer, because he knew he was specially instructed to co-operate with him, a fact which did not take place for some fifty days afterward. I beg the committee to bear in mind that I do not pretend to review any portion of the testimony of any of the witnesses, except that which directly conflicts with my official reports to the Department of State.

I find in the manuscript (page 48) of Admiral Davis's testimony a series of questions seeking to ascertain from the admiral whether he had had any conversation with the British admiral, in which he had made certain allegations in regard to this outrage in Paraguay, and had told the British admiral he did not place any value upon the letters and reports of Minister Washburn, because he had private reports from Commander Kirkland, which went to show that Washburn's reports were not worthy of belief, or to be received as true, all which the admiral denies. I take it for granted that question is based upon a remark that I have made and which may have come to the knowledge of the committee. The British envoy extraordinary and minister plenipotentiary to Brazil informed me that his admiral, Admiral Ramsey, of the British navy, much to his surprise, had taken ground in favor of Lopez, while he, the minister, was denouncing him to his government and the world, and to everybody with whom he came in contact, as the greatest wretch living, he, the minister, having been minister to Buenos Ayres immediately preceding his promotion to Rio. He also told me, that this difference of opinion with the admiral had produced quite a coolness between them, although the admiral responded promptly to his demand that English vessels should be detached to the river La Plata for the purpose of vindicating the diplomatic corps of the world from the outrage perpetrated upon it by Lopez through his assault upon the American legation. When I arrived in Rio last March the British minister explained to me that before Admiral Ramsey sailed with the British squadron for England, he, Ramsey, had explained the cause of his course of proceeding in regard to the Paraguayan difficulties, and stated, in apologizing for it to the British minister, that Admiral Davis waited upon him, Admiral Ramsey, and informed him that he must not receive as authentic or as of any value Washburn's letter to the British minister in Buenos Ayres because he, Admiral Davis, had a private letter from Captain Kirkland, commander of the *Wasp*, which brought down Washburn, giving a totally different version of the whole affair. Of course I do not vouch for the truth of this. I simply state the fact.

I find on manuscript page 80 of Admiral Davis's testimony the following:

"Q. Mr. Washburn desires me to ask whether General Webb, in an interview with you, did not inquire what you were going to do in regard to the *Wasp* being detained; and whether you said you had received letters from Captain Kirkland several days before, and that you had not opened them?—A. I do not recollect any such thing. I do not know what Mr. Washburn alludes to. What business had General Webb with my correspondence as long as my department was satisfied? If I received letters from Captain Kirkland, which I *knew* did not require my attention, who was to be the judge as to when they should be opened? I do not recollect making any such statement to Mr. Webb. I supposed at the time I was dealing with men who were gentlemen; but I now find they were taking *notes* of all our private conversations, and now bring them up and try to confuse me by asking me about them."

I think this answer is of a character so puerile and childish that it would not require any comment were it not that it directly conflicts with what I have reported to the government. The news that the *Wasp* had been sent back first appeared in the Brazilian papers. They boasted of the fact that the *Wasp* had been compelled to return, and published very irritating paragraphs; irritating to Americans, and insulting to our government, in regard to the fact that she had been sent back. I waited several days, in the constant expectation that Admiral Davis would address me officially upon the subject, in order that the matter might be arranged. Some four or five days after the arrival of the mail with this intelligence, and after the papers in Rio had announced and commented upon it, I saw the admiral's barge landing on the beach not far from my residence, which was on the north side of the Bay of Rio. I was at the time in a carriage near the ferry, having taken a friend down, and instantly hurried to where the barge landed—perceiving there was a lady in the boat—for the purpose of offering my carriage to the admiral and lady, who I supposed was his wife, and believing they had come over for the purpose of calling on Mrs. Webb. Upon reaching him I immediately tendered him the use of my carriage, and said I presumed he was going up to the legation. He replied no, they were going to take the same ride that he had taken with his son just before his death, several months previous; and he declined taking my carriage, because he had sent for a carriage for himself. While waiting for the arrival of his carriage I called his attention to what was said in the newspapers, and inquired

if it were true that he had sent the Wasp up for Mr. Washburn, and that she had been sent back; for up to that time I had no knowledge that the Wasp had been sent up. He replied that he had dispatched the Wasp to Asuncion for Mr. Washburn and his family, by order of our government; but that he had no knowledge of the fact that she had been sent back. I then said in substance, "Is it possible that the commander of the Wasp has not reported to you if he has been forced to return?" He said, "He may have done so. I have a large bundle of dispatches from him lying on my table, where they have been lying since the mail came in, (which was four or five days previous,) but I have never opened them." At this I expressed very great surprise, and probably exhibited some little indignation. I recapitulated as well as I could what had been said by the newspapers, and how very awkwardly we stood before the diplomatic corps of the world accredited to Brazil under these comments, and nothing done; and I reminded him that the only possible mode of getting any redress, if such an outrage had been perpetrated, was for him to address a note to me, the minister, reporting the fact, and I would then commence a negotiation with the government, insisting upon our right to send up the Wasp, and force her up the river; and I begged him, immediately upon his return to the flagship, to open and examine the dispatches from Kirkland, which must contain a full history of the affair, as he said they were evidently quite voluminous. He promised to do so, and left on his ride with Mrs. Davis. I went to my house, hunted up the various newspapers which had such abusive articles in relation to the proceeding, and carried them down to the coxswain of the admiral's barge, and directed him, upon the return of the admiral, to go on board the ship, to place those papers in the admiral's possession, I having marked various passages in which the matter had been referred to. Either that evening or early the next morning I received a *private* note from the admiral, containing not to exceed three or four lines, saying that it was true the Wasp had been sent back, and he wished I would obtain the permission of the government to allow her to go up after Mr. Washburn. The next morning, as I have already said, I went on board the flagship, and what occurred there is on record.

The admiral says:

"I supposed at the time I was dealing with men who were *gentlemen*; but now find they were taking notes of all my private conversations, and now bring them up and try to confuse me by asking me about them."

I desire the committee to judge whether, in stating as I did to the government what I have just said to the committee, it has the appearance of having made private notes for any such purpose as the admiral alleges; whether, on the contrary, it was not strictly in the line of my duty to state under what circumstances I became officially advised of the fact that the Wasp had been sent back.

This probably is as good a place as any other to state that, at the termination of the correspondence between myself, as minister of the United States, and the Brazilian government, which resulted in their withdrawing all hindrance to the Wasp going up after Mr. Washburn, the admiral addressed me a letter of congratulation upon the course that I had pursued and the results of that course.

I desire to put in as part of my testimony the following copy of an official letter to General McMahon:

"LEGATION OF THE UNITED STATES,

"*Boa Viagem*, October 27, 1868.

"MY DEAR GENERAL: This government will only be too well pleased to have our squadron go up the river Paraguay, and to my certain knowledge the emperor has expressed his astonishment at my inaction; little knowing, until he saw the Brazilian Times of the 23d, that I had discharged my whole duty in the premises. The way is open to the vessels of all nationalities, and most assuredly will not be closed against us, through whom the insult to all the civilized governments of the world has been offered. The only wonder of the allies, and of every intelligent person in this region, is that for three weeks past our squadron has been lying in this harbor, leaving to other naval powers the vindication of our national honor, and the attempt to release the members of our legation forcibly detained in Paraguay.

"In all probability, the time for effective action is past; but whether it is or not, and although we cannot regain the prestige so wantonly thrown away, I am well pleased to learn that our squadron is about to proceed to the river, after having postponed its time of sailing nearly three weeks to demonstrate that our minister could not expedite its movements!—a demonstration so important in the opinion of Admiral Davis, that to make it he has sacrificed the prestige of our country and the vindication of the rights of its imprisoned citizens.

"Very truly, your friend and obedient servant,

"J. WATSON WEBB.

"His Excellency General MARTIN T. McMAHON,

"U. S. Minister to Paraguay, U. S. Flag-ship *Guerriere*."

I also have in my possession in New York a letter from Mr. Bliss, addressed to me upon his leaving my employ. I ask permission to send it to the committee as a portion of my testimony, and as conclusively demonstrating that it was utterly impossible at the time I was rendering him the favors I did, and when we were parting upon such good terms, that I could have said to Commander Kirkland, quite a stranger to me, what I am charged with having said.

[The original letter forwarded by General Webb to the committee is as follows:]

"PETROPOLIS, BRAZIL,
"Friday, June 27, 1862.

"DEAR SIR: Among the inducements which were prominent in determining my acceptance of the position I now hold in your family as private secretary to yourself and tutor to your children, was a rather vague expectation of being able, in one way or another, to prosecute in South America a class of researches upon American ethnology, with which I had become in a measure identified at home. The desire to prosecute this object has continued to exist, although a more intimate knowledge of the state of affairs in Brazil has shown it to be incompatible with the most satisfactory discharge of my duties to yourself. If, therefore, circumstances should arise which may place it within your power by other arrangements to secure the discharge of my present routine of duty, you will confer a favor upon me by so doing, and by releasing me from the present engagements, in the fulfillment of which I have the honor to be,

"Very respectfully, your obedient servant,

"PORTER C. BLISS.

"General JAMES WATSON WEBB,
"Envoy Extraordinary, &c., &c."

I now ask permission to read my dispatches to the Secretary of State, under dates of April 7 and April 24, 1869. They are as follows:

"LEGATION OF THE UNITED STATES,
"Rio de Janeiro, April 7, 1869.

"SIR: Intelligence has reached this city to-day that our minister resident to Paraguay has arrived at Asuncion, the capital of that republic. One account reads: 'The American minister has escaped from Lopez, and is now under the protection of the Brazilian flag in Asuncion.'

"I forbear, at this time, entering at length into a history of the conduct of our minister and admiral in the waters of the La Plata; but content myself with the remark that their proceedings were as inimical as they well could be to Brazil, and that in the estimation of the diplomatic corps accredited to this court, of American citizens here and at the river, and of the people at large, our country was dishonored, our flag desecrated, and its prestige in this region temporarily destroyed by a formal and peremptory demand for the persons of two members of our legation, forcibly taken from its protection and the power of our minister by the tyrant Lopez, and then that formal demand abandoned, because Lopez impudently refused to yield to it. But this, had as it would have been, was but the beginning of our humiliation. Not content with rejecting our demand, Lopez assailed the character of Minister Washburn, charged him, together with Bliss and Masterman, with conspiracy against his government, justified his violent seizure of them, and demanded that they should be received and held by us as prisoners and offenders against him; and, incredible as it may seem, our admiral and minister consented to waive their demand for the insult offered to our legation by the forcible seizure of two of its members, and in contempt of any sentiment of honor and justice, did actually receive them as prisoners on board of one of the identical vessels sent to punish and humiliate the offender, whose instruments of vengeance they thus became. They went to denounce and punish, and they left praising and rewarding.

"It was not possible for our greatest enemies to have placed us in a position so false and humiliating, and every American in this region, as well as all our friends who do not owe allegiance to, but honor the flag of our country, deeply deplore the disgrace which ignorance and folly, to use no harsher terms, have brought upon it.

"The demand for Bliss and Masterman was based upon the facts officially reported by our duly accredited minister, who was grossly insulted and barely escaped with his life. Lopez, the offender, the tyrant who had outraged our legation, and perpetrated against us an act of war, justified his conduct, assailed the veracity of our minister, and persuaded our facile representatives to ignore and condone the insult to our national honor, waive our demand for reparation, and absolutely demean ourselves by becoming his jailors. We boldly and peremptorily demanded redress, and when it was insolently refused, we humbled ourselves before the tyrant, and declared our country and its minister to have been the offenders; and in our humility and in apology for an offense, we humbly consented to receive as prisoners—as criminals and offenders against Lopez—

the two educated gentlemen, one an American the other an Englishman, whom the tyrant had actually wrested from our legation under the very eyes of our minister. And we, that is, our admiral and minister resident to Paraguay, not only received these gentlemen as prisoners under the American flag, but as prisoners and criminals they were actually brought to this port under the charge of sentinels, and prohibited all intercourse with the officers of the ship, at an expense of from fifteen to twenty thousand dollars in gold, and from here sent to Washington by steamer, also at an expense. And all for what? Why, to prove, if possible, or to make it appear, at least, that Minister Washburn's report of occurrences in Paraguay was *false*, and that Admiral Davis, on the *private* report of Lieutenant Kirkland, at variance with his public declarations, was justified in treating it with contempt, and remaining with his large squadron idle in this harbor, when patriotism, duty, self-respect, and a regard for the honor of his country alike demanded protection for our citizens and a prompt and fearless defense of our national flag so publicly insulted and set at defiance by the tyrant of the La Plata.

"The subject is too humiliating, and the disgrace too recent, to continue commentary upon it.

"The war in the Plata is *not* closed. Count d'Eu, the husband of the princess imperial, left last week for Asuncion to assume command of the Brazilian forces. He is young, enterprising, and able, and distinguished himself in the Spanish army in the late war of that nation with the Moors. I have great confidence in his success, because he is in all things the very antipodes of the old and feeble Marquis de Caxias.

"I have the honor to be, very respectfully, your obedient servant,

"J. WATSON WEBB.

"Hon. HAMILTON FISH,

"*Secretary of State of the United States.*

"P. S.—Since the receipt of the intelligence that our minister is in Asuncion, I have barely time to write this hurried dispatch, and no time to have it copied, if I would send it forward by the English steamer.

"WEBB."

"No. 101.]

"LEGATION OF THE UNITED STATES,

"*Rio de Janeiro, April 24, 1869.*

"SIR: I have this day received a communication from Mr. H. G. Worthington, our minister resident near the Argentine Republic, dated April 10, 1869, in which he says:

"I am satisfied McMahon is under a restraint imposed by that cut-throat Lopez, nor can I see there is any probability that that restraint will be soon removed. No one has heard of, or from him, for more than four months.

* * * * *

"Recent circumstances clearly establish the danger Washburn was in when in Paraguay. My firm conviction is, he would, long since, have been ranked amongst Lopez's victims, had he not been relieved when he was. He is being fully vindicated."

"McMahon's principal object in going to Paraguay and presenting his credentials to one whom his predecessor had proclaimed an outlaw, and who had perpetrated an act of war upon the United States, appears to have been to find a justification for the dilatory conduct of Admiral Davis, by demonstrating in his own person there was nothing to be feared from Lopez, and that Washburn had, as the admiral charged, acted cowardly. In so doing, he disregarded the advice I felt it my duty, under the circumstances, to give him, and became, unintentionally no doubt, a party to an act which, in my judgment, was alike disgraceful to our flag and to all concerned in it; and as a further consequence of his imprudence, he has imposed upon our government a necessity to relieve him from the embarrassment into which he has so recklessly plunged.

"Davis's original demand upon Lopez was for the immediate surrender of 'Messrs. Bliss and Masterman, the persons arrested and detained in Asuncion, while under the protection and attached to the legation of the United States.'

"This was right and proper, and until this demand had been complied with, and, as the admiral stated in his note to Lopez, until those persons had been 'restored to the authority of the United States flag,' 'as an indisputable preliminary,' 'his excellency, General McMahon, the minister of the United States to the Republic of Paraguay,' could not present his credentials.

"To this very proper demand for the persons forcibly taken from our legation in violation of our flag and of every principle of international law, Lopez replied through his military secretary: 'His excellency, the President, regrets that it is not in his power to accede to the delivering, on the terms of your excellency, the accused Bliss and Masterman to the keeping of your excellency. * * * Nevertheless, his excellency, the President of the Republic, would cheerfully consent to the delivery of the criminals, Bliss and Masterman, *provided* it were requested in a manner more in conformity with the *fact* of their being accomplices of Mr. Washburn, and the first (Bliss) intimately acquainted with his (Washburn's) intrigues in the character of conspirator and agent of the enemy, of which he is now accused in the national tribunals.'

"After this peremptory refusal to comply with the demand of our government, unless the admiral and minister would make themselves parties to Lopez's accusation against that minister's predecessor, Mr. Washburn, his own self-respect and a decent regard for the dignity of his country would seem to have demanded that Mr. McMahon should have returned to Buenos Ayres, and, as he had been advised to do, await further instructions from your department. Incomprehensible as it may appear, however, our minister and admiral, after an interview between the admiral and Lopez, agreed that the original very proper demand for Bliss and Masterman should be withdrawn, and another letter substituted, in which all reference to their having been forcibly taken from our legation should be ignored; and, at the instigation and request of Lopez, the testimony of our minister, Washburn, be repudiated in behalf of that of Lopez.

"Accordingly, as Mr. McMahon reports to Mr. Seward in paragraph 3 of his dispatch of the 11th December, from 'On board the United States flag-ship-Wasp:' 'On the following day, he (the admiral) sent the second letter as agreed upon.' And in that letter the entire character of the demand for Bliss and Masterman is changed. At Lopez's dictation, all allusion to their having been members of our legation is suppressed. Mr. Washburn, the duly accredited minister of the United States, and his testimony, are ignored, and the main demand for redress for an insult to our flag degenerates into the following humble and humiliating *solicitation* for criminals in arrest, viz:

"*'My object in placing myself in personal intercourse with your excellency is to request that Messrs. Bliss and Masterman, the individuals arrested and detained in Asunción, on the 10th day of September last, may be delivered into my keeping, subject to the order of the United States.'*

"[Dated, December 4, 1868.]

"But even this humiliating change of position does not quite come up to the wishes and expectations of Lopez; and in consequence, he still holds on to Bliss and Masterman, demanding further concessions—a further humiliation of the stars and stripes. And, verily, he knew his men. On the 5th of December the admiral again entreats that he may be intrusted with the *safe-keeping* of these witnesses against the honor and integrity of the late United States minister, Mr. Washburn; and adds, 'but your excellency objects to their delivery under the terms of my note. I wish your excellency to believe that it is no part of my official duty, either to offer or refuse *any terms* which will affect the alleged criminal condition of the two persons in question. * * * I have to ask your excellency to embark the accused persons, Bliss and Masterman, on board of this vessel, in order that I may *keep them in security*, subject to the disposition of the government of the United States.'

"Mr. McMahon reports to Mr. Seward, 'That Lopez's military secretary sent a reply, which he incloses and thus describes': 'This communication, a copy of which is inclosed, stated that the delivery was made as an act of *courtesy* on the part of the government of Paraguay, and as a proof of its friendship for the government of the United States, and of confidence in its justice; and that he did not understand it to be in answer to a reclamation or demand.'

"Originally it was gravely and very properly determined by our minister and admiral that, 'as an indisputable preliminary step to the presentation of General McMahon to your excellency of his credential letter, I have to request that Messrs. Bliss and Masterman, the persons arrested and detained in Asunción, while under the protection and attached to the legation of the previous United States minister, be restored to the authority of the United States flag.'

"Regardless of this 'indisputable preliminary step,' Lopez not only did dispute the position assumed, but peremptorily and impudently refused to comply with or even to consider the demand, and requested an interview, in which it was agreed to surrender Bliss and Masterman, *provided* our minister and admiral would receive them as criminals, and as *his* witnesses to prove that the late minister of the United States to Paraguay was a conspirator against his government; and consequently, that he (Lopez) was justified in violating our legation by forcibly seizing as prisoners two of its members.

"Under these humiliating circumstances, and after thus compromising the honor and dignity of the United States, Bliss and Masterman were received as *prisoners* on board of our flag-ship, and as prisoners were brought to this port at an expense of not less than twenty thousand dollars, and General M. T. McMahon presented his credentials as minister resident of the United States to 'Marshal Lopez.'

"The entire proceeding is, in the estimation of all nationalities in this region, discreditable to the United States and to all concerned in it. But notwithstanding the irregularity and absolute impropriety of this most discreditable proceeding, we may not shut our eyes to the fact that, according to the belief of our minister resident in Buenos Ayres, our duly accredited minister to Paraguay is held in 'restraint by that cut-throat Lopez.' This may not be, and hence I deemed it proper to review the circumstances under which such an embarrassing state of affairs could have arisen.

"It required no little effort to extricate Mr. Washburn from his position in Paraguay, the danger of which the admiral and Minister McMahon have so pertinaciously denied. But our minister to the Argentine Republic, in his communication, from which I have

extracted, is of opinion that the position of Mr. McMahon is at this time equally precarious. Of course he must be relieved; but how is his release to be effected?

"Very respectfully, your obedient servant,

"J. WATSON WEBB.

"Hon. HAMILTON FISH,

"Secretary of State.

"N. B.—This dispatch was written at too late an hour to be engrossed; therefore, I am compelled to send this, the original manuscript.

"WEBB."

I would call the attention of the committee to a declaration made by Captain Ramsay when under examination. He says:

"Mr. Bliss and Mr. Masterman were demanded from President Lopez unconditionally. Admiral Davis expressly said that it was not his place either to discuss or to define his position; that he simply came there to demand that these men should be released, and that the whole case should *then be referred to the government at Washington.*"

You will perceive that Captain Ramsay swears that the admiral stated that he simply came there to demand that these men should be released, and that the whole case should then be referred to the government at Washington. According to that testimony, if true, Admiral Davis, and not Lopez, is the originator of the idea that these men were to be received as the witnesses of Lopez to be sent to Washington. How much truth there is in the declaration it is not for me to say.

By Mr. WILKINSON:

Q. It is somewhere stated in this testimony that the annual expenses of a first-class war steamer, or "admiral's yacht," as they are called, are equal to the annual expense of the whole diplomatic corps of the country. Have you made such a statement?—A. I so stated in a dispatch, which was suppressed by the late Secretary of State, upon the plea that to publish that in reply to a call from Congress would be to assail the Navy Department, and that it was no part of his business to assail a co-ordinate branch of the government. I remonstrated with him, and insisted that the right of the Secretary of State and of the President, under a call from Congress, to suppress such matter as, in their judgment, would be injurious to the public, if not in all cases, certainly in most cases, was in my judgment intended to cover only matter relating to foreign governments, the exposure of which might bring us into unpleasant collision with those governments, or which might tend to injure or retard in some way negotiations pending between this government and some other. I told him I did not believe it was ever intended that the President or Secretary should, under that reservation, withhold from Congress anything relating to matters within the United States, between its citizens, or between the government and its employés, the publication of which could not by possibility be injurious to the public interests. That therefore he was bound to put in that portion of the dispatch, because I had put it into the dispatch for the purpose of calling the attention of Congress to the fact, and to let them by investigation ascertain whether it was true or not; and that although I believed it to be true, the data upon which I was acting was not official. I believe it to be for the interest of the country that the matter should be specially inquired into by Congress, because, as I said to him, it is really a great anomaly in our system. The Secretary of the Navy may put into commission one or twenty first-rates, each one of which will annually cost as much or more than the entire diplomatic corps of the country, while the Secretary of State may not increase the contingent expenses of a mission five hundred or a thousand dollars without being liable to censure. I believe that on investigation the declaration will be found to be very nearly accurate. It was based upon such information as I could command at that distance from home, and without reference to official documents. The statement was fortified, in my judgment, by another fact. At least a dozen times in the course of my editorial career, when gentlemen in Congress had been assailing some small appropriation for our Military Academy at West Point, I made it my duty to state the fact, based upon what I then knew to be accurate information, that a ship of the line, a seventy-four under our old naval system, in commission, cost the government each and every year more money than the institution at West Point had evercost in any one year; and the Secretary of the Navy could put as many in commission as he pleased, if we had them. That statement I repeatedly put before the public, and it was based upon accurate information.

Q. About what did you estimate the expense of one of these vessels?—A. Somewhere between three and four hundred thousand dollars; and I state here, that while we had many of these first-rates in commission, each of which probably cost as much as the entire diplomatic corps of the United States, I had no doubt the first-rate sent to the Mediterranean cost during the year very much more than the whole diplomatic corps of the United States, including its contingencies.

By Mr. ORTH, (at the suggestion of Mr. Washburn:)

Q. What service was rendered by the South Atlantic squadron from the close of the war up to the time your commission terminated?—A. My answer to that question is an extract from a letter addressed by me to Rear-Admiral Davis, dated at the legation of the United States, October 9, 1869, as follows:

"Permit me to illustrate my meaning. For more than three years past we have had on this coast a South Atlantic squadron, consisting of from six to eight steamers in number, and sustained certainly at a cost of not less than \$5,000,000; and yet, during that period, the only national services required of it have been the firing of a salute to the Brazilian flag in Bahia as an *amende honorable*, promised by me, the United States envoy extraordinary, in consequence of our having violated Brazilian neutrality in cutting out and capturing in Brazilian waters the pirate Florida. That salute should have been fired by the flag-ship, because, when a great nation resolves to make an *amende honorable*, self-respect demands that such *amende* shall be made in a magnanimous and manly manner. But your predecessor, having denounced any such concession to the wounded honor of Brazil, and actuated by anything but a commendable feeling toward the civil service of our country, and incapable of appreciating the chivalry of the act, sent one of the smallest gunboats in our navy to perform this duty, while he, in the flag-ship, remained in this harbor; and when the duty had been discharged in a manner so disreputable to us and so offensive to Brazil, he immediately sailed for Bahia to demonstrate, as it were, the contemptuous manner in which the matter had been disposed of. One high in authority here, very justly remarked, 'It was an act of grace performed most ungraciously;' and it became my duty to explain that no slight was intended by our government, and that it was our misfortune to have had in command a naval officer (Godon) who could not understand, much less appreciate, the delicate duty with the performance of which he was intrusted, and who did not perceive that it was his own country, and not Brazil, that was slighted by his proceeding.

"The salute referred to was fired by the Nipsic, commanded, at that time, by one of the junior lieutenant commanders in service.

"The next national service rendered by the squadron was by the gunboat Shamokin, which was permitted to take Mr. Washburn, our minister to Paraguay, through the enemy's lines, because I gave notice to this government that if they refused such permission I should demand my passports.

"And the third occasion upon which our squadron has rendered a national service, was when you sent the Wasp to Asuncion after Mr. Washburn; and after a detention of seven weeks at the allied headquarters, permission to pass was peremptorily refused by the Marquis de Caxias. You, at my request, reported the facts to me; and I, contrary to your judgment, insisted upon our right to send her to Asuncion, and demanded that all hindrance to her passing up should cease. Twice, in formal notes from the foreign office, was the demand rejected, and the conduct of the Marquis de Caxias approved; I then again, in opposition to the advice of cautious friends, assumed the responsibility of informing this government that, on a certain day, either my passports or an order for the Wasp's going up to Asuncion must be sent me.

"Thereupon all opposition to the Wasp's passing the blockading lines of the allies was withdrawn. I communicated the facts to you, and requested that the same vessel, commanded by the same intelligent gentleman, might be sent up to Paraguay. You promptly complied with my request; and, thank God, she not only arrived safely at her destination, but, most providentially, just in time to save the lives of our minister and family.

"Now, you know that the Nipsic could have rendered all the national services performed for our squadron by the Shamokin and Wasp; and at the same time have made an annual visit to the coast of Africa. Let us suppose, then, that the Nipsic, commanded by a lieutenant commander, had been the only United States vessel of war on the station, and that upon receiving Mr. Washburn's report of the gross outrage perpetrated in Paraguay against the honor of our country and the rights and liberties of our people, I had addressed him the identical letter I had addressed to you, are you prepared to say that such lieutenant in command would have been justified in sending me in response such an exceedingly offensive note as that to which I am replying? You will not pretend that any immunity in the premises attaches to you which would not equally apply to him. The rights and immunities, whatever they may be, attach to the position—to the officer in command, and have no relation to his rank."

By Mr. SWANN:

Q. Was there a reply to this letter by Admiral Davis?—A. Yes, I received in reply to my letter, the following:

"UNITED STATES FLAG-SHIP GUERRIERE,
"Rio de Janeiro, October 13, 1868.

"SIR: I received your letter dated the 9th instant on the evening of Saturday, the 10th instant.

"Its style and language, and the character of its imputations, forbid the continuance, on my part, of this correspondence.

"Very respectfully, your obedient servant,

"C. H. DAVIS, *Rear-Admiral,*
"Commanding South Atlantic Squadron."

"His Excellency J. WATSON WEBB,

"*Envoy Extraordinary and Minister Plenipotentiary of the United States,*
"Boa Viagem."

To which I responded as follows:

"LEGATION OF THE UNITED STATES,
"Boa Viagem, October 14, 1868."

"SIR: I am in the receipt of your letter, in which you say:

"SIR: I received your letter dated the 9th instant on the evening of Saturday, the 10th instant.

"Its style and language, and the character of its imputations, forbid the continuance, on my part, of this correspondence."

"I immediately read, with great care, the notes which have passed between us, with an avowed determination, if I discovered in aught I have written any imputation whatever upon your character or conduct, promptly to withdraw and apologize for it. The result of such careful examination of our correspondence is a conviction that the only imputations contained in it are to be found in your unwarranted and uncalled-for note of the 6th instant. A statement of facts, however disagreeable, cannot be considered 'imputations.'

"I am sorry my 'style' does not please you. Looking only to the discharge of a public duty, I did not consider it incumbent upon me to aim at any peculiarity of 'style' in order to render grave official truths acceptable to a fastidious taste; and I employed the simple language of earnest conviction as eminently suited to the occasion.

"Very respectfully, your obedient servant,

"J. WATSON WEBB.

"Rear-Admiral CHARLES H. DAVIS,

"*Commanding South Atlantic Squadron."*

Q. To this letter there was no reply?—A. None whatever. I would here call attention to another paragraph in my letter to Admiral Davis:

"I will only add, in conclusion, that the question of the relative duties and respective rights of United States ministers and naval officers in command, which, for some purpose that I cannot fathom, you have thought proper to raise, should, and I trust will, be speedily settled by Congress. Whether in your favor or mine, does not matter. We are simply the instruments whose differences in a far-off land, in regard to what action is demanded by our naval forces on this station in vindication of the nation's honor, the rights of its officials, and the lives of its citizens, must and will call forth congressional legislation too long delayed. To secure such a result I shall cause this correspondence to be called for at the next session of Congress; and to convince you that, in the performance of my whole duty in this emergency, I do not intend to permit an official difference of opinion to degenerate into a personal controversy, I inclose herewith a copy of my dispatch to the Department of State, written yesterday, when you were penning your extraordinary note to me, and which went forward by the steamer to Southampton this morning. Its spirit will be found somewhat different from that which guided your pen, and invited a personal controversy. To that spirit I shall adhere; and I now feel it my duty to reiterate my requisition upon you, promptly and properly, to employ the large naval force under your command in the vindication of our national honor, the protection of the diplomatic rights of our country, and the attempt, at least, to save the lives of our outraged officials."

I will state to the committee that I did, for the purpose here named, ask a friend in Congress to call for this correspondence, and that my principal object in so doing was to induce congressional legislation, with a view of defining the relative positions and duties of the two arms of the service. And I hope and trust that, whatever may be the report of this committee upon other matters with which I certainly have no interest beyond seeing justice done, it will be considered by the committee that perhaps the greatest possible good they can render to the country is to convince Congress that the honor of the country, as well as the interests of both services, and the respectability of the nation, all require that there should be legislation—I don't care of what kind—so definite and positive, that these occurrences in distant parts of the world, which bring dishonor upon our country and disgrace upon our flag, may never again arise. And in this connection I will state other occurrences during my mission.

The better class of officers, the more intellectual men of the navy, do not advocate the absurd views of Godon and Davis in regard to their being clothed with diplomatic powers. Such men as Maynard Rogers, Commodore Glisson, and others of their stamp,

do not advocate such doctrines. Maynard Rogers is considered the Chevalier Bayard of the navy, and to show how totally different are his views and those of his class of intelligent officers, I will state that when the pirates were on the coast of Brazil, and our government was too much in want of our navy at home to furnish the necessary force to keep them off, I was asked, "Why does not your government send here a force sufficient to drive these fellows away? Why does it not do as England and France do, keep a force here sufficient to protect your commerce?" I told them that was all very well in time of peace; but that when we were struggling for national existence, fighting the battle for the Union, when we required all the force we could possibly raise at home, to put down the rebellion, and relied upon friendly nations preserving their neutrality, we had nothing to send abroad. Still I would agree, although I had only one vessel on the coast, to make arrangements for that naval vessel to visit every Brazilian port at least once in three months. When Commodore Glisson, in command of the Mohican, was on the South Atlantic station, on one occasion he had received orders to return home with the ship. It so happened that he was going to take home with him my two oldest boys to school, and I was very anxious to have them go home, but I said to him: "Commodore, you must not go home; you must go to the river Plata; I have such information as leads me to believe that the Alabama is down there." "Very well," said he, "I recognize my duty to do whatever the minister may require, although I have orders to return home without delay. Put it in writing, and I will go to the river Plata." And he did go. Subsequently another vessel arrived and he went home. Captain Maynard Rogers arrived with a government vessel, bound for China, under very specific orders to go on without delay. He reported at the legation, as the regulations require, and was very anxious to go on immediately. I said: "You cannot leave; I am under such and such arrangements with this government; this coast cannot be left without a steamer; I must require you, therefore, to remain, notwithstanding the orders of the Secretary of the Navy, until some other vessel comes along." "Very well," said he, "I recognize your right. Address me a letter, and I will stay here until you tell me I can go." Captain Rogers remained there upon my recognition about a month, when I received a letter from him that, learning that Captain Walke, with another United States steamer, was at Pernambuco, on his way to Rio, he, Captain Rogers, would proceed on his way. Captain Walke came up and reported. He was on his way to the Pacific, with orders to go there as soon as possible. I said: "You cannot go; I must have a vessel here on this coast." Walke at once recognized my right and said: "Put your requisition in writing and I will remain."

Now, on the other hand, Captain Collins, in command of the Wachusett, came on the coast. It was a matter of very great importance that I, the minister, should have a vessel on the coast which I could apply to in the event of an emergency, and I sent a circular to all the consuls directing that whenever a United States vessel was about to leave, to inquire of the commander where he was going, and to show him the circular, in order that I might be advised of his destination, and that I could reach him by telegraph, or in some way, when wanted. The consul at Bahia reported that Captain Collins had just sailed; and that upon his showing him my circular, and requesting to know where he was going, in order that he might report to me, he peremptorily refused to give any information upon the subject, and said I was not entitled to it. I reported his conduct to the Secretary of State, and, I presume, he reported it to the Secretary of the Navy; at all events, I received a copy of a letter from the Secretary of the Navy, addressed to Captain Collins, justifying him in refusing to give that information for the guidance of the legation. I stated to Admiral Godou, on his arrival in August, 1865, that it would be necessary shortly, in compliance with my arrangements with the Brazilian government, in the settlement of the Florida affair, that he should fire a salute to the Brazilian flag in the port of Bahia. He told me that he would not do so unless specially instructed by the Secretary of the Navy; and added that, in his judgment, Brazil was not entitled to such a salute. Of course, that at once put me in a false position with regard to my negotiations; and therefore I had no resource but to write to the government. The salute was ordered, and a whole year elapsed before it was fired. Then, as you know, in the case of the Paraguayan outrage, I called upon Admiral Davis to expedite his departure two days, and sail on the 8th instead of the 10th, as he had announced to be his intention, and he was so offended, and apparently so outraged at the idea of a minister presuming to influence the destination of the squadron, that instead of expediting his departure two days, and sailing on the 8th instead of the 10th, he actually remained until the 29th; and now pretends he was waiting for General McMahon, of whose movements at that time he was profoundly ignorant.

I mention these facts with a view of asking this committee that they will report to Congress that there is a necessity for legislation on this subject. As to the character of the legislation it matters very little to me, taking it for granted that after once entering upon an investigation, Congress will arrive at a sound conclusion in respect to the action that may be necessary.

By Mr. SWANN:

Q. How long have you been acquainted, either officially or otherwise, with Admiral Godon and Admiral Davis?—A. I first knew Admiral Godon upon his reporting to me as acting admiral of the South Atlantic squadron in August, 1865. I never saw him before. I first knew Admiral Davis on his reporting to me, on his arrival on the Brazilian station, in September, 1867.

Q. Are you familiar with the official records of these two officers since they have been connected with the navy?—A. My knowledge of Admiral Godon's record is based upon his report to me of what he did during the war. He repeatedly gave me a history of the battle of Port Royal. On one occasion I think he kept me some three hours after my wife had retired, fighting over that battle, in which he demonstrated, beyond all possible cavil, that he alone fought the battle, and won it by refusing to obey his superior's orders during the fight, and pointed out how badly he had been treated by Admiral Du Pont, and how little Du Pont and the country appreciated his services. I have no other information in regard to his record except that derived from himself. I repeated to several officers of both squadrons Admiral Godon's history of that event. One of them, of rank, informed me, in reply, that so far from its being true, the officers of Dupont's staff, of which Davis was chief, in connection with several other officers, had deemed it their duty to say to Admiral Du Pont, that, in their judgment, Admiral Godon should be reported for gross disobedience of orders if not cowardice in that fight; and, in support of the position they assumed, they instanced the case of Perry and Elliott, pointing out to Du Pont that if he did not report Godon, but attempted to screen him, ultimately Godon might get the position toward Du Pont that Elliott had occupied towards Perry, who had overlooked what was alleged to be Elliott's cowardice on Lake Erie. Du Pont, however, as I was told, declined to report Godon for cowardice, but, as Godon informed me, treated him rudely and unjustly. I regard Admiral Davis as a gentlemanly, scientific, and valuable officer in the position which he so long occupied in connection with the Observatory and Nautical Almanac. In all my intercourse with him up to the time I made the unfortunate application to him to proceed to the La Plata, I have rarely met with any person whose social intercourse gave me more pleasure, and I so reported in a dispatch to the government of the United States. Up to the time of the receipt of his answer to my first letter, I think there were not half a dozen gentlemen in the navy (and I know a great many of them) for whom I entertained more respect and cordial esteem. I looked upon him as an accomplished gentleman and a credit to the navy, without knowing anything about his naval qualifications, but respecting his scientific acquirements. And I believe I may add that his record, in a scientific point of view, is all that I have stated. I have since discovered that his record as a man and an officer is very different from what I supposed it to be. That he is not considered reliable, but in the navy has a reputation for cunning and intrigue.

Q. You say that it was a current rumor, while in command of the South Atlantic squadron, that Admiral Godon had a softening of the brain; that you did not credit the rumor at that time, but now feel it only charitable to believe that there was some foundation in that rumor. I desire to know whether or not this is to be taken in its literal sense, or whether it was designed by you merely as an illustration of the estimate you held of his intellectual status?—A. I desired it to be taken strictly in its literal sense. That such a rumor did exist is absolutely certain; that I did not, at the time, believe it, is equally so; but now I must either believe that rumor, or I must believe that Admiral Godon has deliberately and maliciously perjured himself before this committee.

Q. You speak of this rumor; can you refer to any persons connected with the squadron who gave you that information?—A. No; but I will say that I have understood—I do not know from whom—that a similar rumor existed in the United States before or about the time that he sailed for South America.

Q. Is it not usual for naval officers to receive specific instructions in conducting their relations with foreign governments when proceeding to the discharge of a delicate duty, at all times; do you know what instructions were given to Admiral Godon?—A. It is not usual, never has been usual, and I presume never will be usual, to give any naval officer instructions in regard to any intercourse with a foreign government, when the government of the United States has accredited to that government a representative of its own, a member of the diplomatic corps. The navy are, under no circumstances, accredited to, nor can they have any intercourse with, any foreign government, except in the absence of a representative of their own government. Their presentation at court is entirely an act of courtesy, depending solely upon the volition of the minister, and they have no right whatever to demand it under any circumstances.

Q. In what relation do these naval officers stand to the diplomatic agents of the government; are they bound to carry out such instructions as they may have received, or to use a wise discretion on their own responsibility in case of disagreement with such diplomatic agents?—A. I think it has always been a well-settled principle with the Department of State, and with the government, that while the diplomatic agent shall not have the right to order the commandant of the naval forces to do this or to

do that in his discretion, yet it is the bounden duty of such commandant always to comply with any reasonable requisition which the minister may make upon him that is not palpably and manifestly wrong, the minister being responsible to the government for such requisition. That a commandant thus situated may not have the right, in extreme cases, to disregard the views of the minister and assume the responsibility of refusing to act, I do not pretend to deny. I can imagine a case. For instance, if the minister were to order, without any cause, the commandant of an American fleet to batter down the custom-house at Rio, it would be perfectly right for the commandant to say "I will not obey you; I take the responsibility;" but in all ordinary cases there can be no question but that it would be his duty to comply with the request of the minister, where the question involves ultimate results to the country, and leave the minister responsible for his conduct. And this, I think, is illustrated by the instance I have presented of naval officers, touching Rio Janeiro under orders to the China seas and the Pacific, but stopping for such period as they were required, leaving the minister responsible for their detention.

(At the instance of Mr. Washburn.)

Q. Was a naval officer ever censured for obeying the minister?—A. Never, to my knowledge; and probably never would be censured, except under an extreme case of imprudence.

By Mr. WILKINSON:

Q. You state that Captain Rogers delayed, at your request, in opposition to his positive instructions?—A. He did, and so did Commodore Glisson, and so did Captain Walke; but they all recognized their duty to obey my requisition and remained. The only parties who ever refused to do as they were requested by me were Captain Collins, Admiral Goden, and Admiral Davis.

Q. Were these who did obey censured for it?—A. Certainly not.

By Mr. SWANN:

Q. Is it your opinion that Admiral Goden was so much prejudiced against Mr. Washburn and yourself from any cause, or was incapacitated from any cause, as not to be able to conform to and properly carry out the instructions of his government?—A. He was abundantly able to do so if he had been disposed. It is not for me to assign motives for his conduct. I have no doubt that Admiral Goden was in position to carry out the requisitions made on him by Mr. Washburn. He probably had two objects in refusing. One may have been an early dislike to Mr. Washburn; but probably the overruling motive was to exalt the authority and dignity of the navy by claiming for officers in command diplomatic functions.

Q. Admiral Goden was of opinion, as appears in the testimony, that to force the allied lines would amount to a *casus belli*. Suppose he had forced these lines and provoked a war, would the responsibility have fallen upon the admiral, or in case of advice from other sources—from the minister for instance—upon him?—A. I will state, first, if Admiral Goden had understood international law as well as it is understood by men posted up in the matter—as William H. Seward understood it—he would have known that it was not possible, by forcing the blockade of the Paraguay in 1865-'66, to involve us in war; because it is perfectly well understood, that where a government has established diplomatic intercourse with another government, a belligerent cannot cut off all communication between such government and its diplomatic representative. As I stated to the government of Brazil, if there were five routes to Paraguay, they would have a perfect right to close four of them; but that our diplomatic intercourse with Paraguay having been established before the war, they could not interfere with our right to communicate with our minister, but must leave one route open to us. That being the case, it was optional with us to enforce that right; and Admiral Goden ought to have known that in so doing, under the peculiar circumstances of the case, it would not be a *casus belli*. In regard to so much of a previous question as related to any prejudice which Admiral Goden might have had toward me, I desire to say that I never, directly, had the slightest knowledge of any such prejudice until he behaved improperly, in neglecting to furnish a boat which I wanted, for the purpose of making an official call upon the British admiral. But, at the same time, I had a thorough conviction that he never forgave me for what I said to him in my interview with General Asboth, at which he was present, by his own invitation; or, rather, at which he intruded himself. I can mention another instance, which now occurs to me, that I knew operated to prejudice him against me. The Kansas, Captain Erben, arrived at Rio when the squadron was down at the Plata. A bad fellow on board had attempted to murder one of the crew, and escaped on shore. The captain sent Lieutenant Elliot, a young gentleman who had just graduated at Annapolis, to find this man and bring him on board; and when he was leaving the vessel's side, he asked the lieutenant if he had a pistol with him. The young man, I think, stated he had; at all events, procured one and took it with him. The deserter was apprehended, and attempted to make his escape, and ran away from the lieutenant, about three or four o'clock in the morning, when taking him to the boat. The lieutenant drew his pistol

and fired at him, believing it was his right to do so, as well he might have done, from the fact that his commanding officer asked him if he had a pistol. He shot the man through the back, for which he was arrested and placed in prison. The case was not reported to me as soon as it should have been, and, in consequence, when I arrived at the foreign office, they stipulated that they would discharge the officer, provided no report had been made to the police that the life of the sailor wounded was in danger. They accordingly sent down to the police, or, rather, the director general of the office went himself, and on his return said: "You are too late. If you had come here sooner, it would have been before any report had been made, and we would gladly have discharged the lieutenant; but the physician reports that the wounded man will die, and, in consequence, Lieutenant Elliot must be tried. We cannot interfere with the civil process, but we can pledge ourselves to you, as we do, that if on trial he is convicted and sentenced, as he probably will be, the Emperor will immediately pardon him." Captain Erben reported to me, that he had orders to proceed to the river La Plata and report to the admiral. I told him, "You cannot go. Your testimony is absolutely necessary in the trial of Lieutenant Elliot, and you must remain here until such time as an examination can take place;" and I added that I would take the responsibility of his remaining. When Admiral Godon came to Rio, he found the Kansas lying there, and, as I was informed, telegraphed Captain Erben to come on board the flagship, which Captain Erben did. The admiral inquired why he did not come to the Plata and report himself to him, the admiral. Captain Erben replied, that he was detained by me; at which Godon got exceedingly angry, and, among other things, inquired whether the minister commanded the squadron, or whether he was the commanding officer, and ordered Erben to get ready for sea immediately. Erben thereupon addressed a note to me, stating the fact that he had been ordered to sea, and what had passed between him and Godon. I wrote him, in reply, that he might say to the admiral that I had detained him, and that he must wait to give his testimony; that he must not presume to leave the harbor without first giving his testimony at the police office; that Admiral Godon was behaving very badly in visiting on him my sins; and that he was at liberty to show that note to the admiral. The admiral never spoke to me on the subject. He did send Erben to sea, and under very peculiar circumstances, but he never mentioned the subject to me.

Again, during the admiral's absence a Russian frigate arrived, having on board eighty or a hundred midshipmen, being a school-of-practice-ship. The Russian admiral came up to Petropolis, where most of the diplomatic corps reside, and we all entertained him. It was the custom of certain members of the diplomatic corps to have receptions once a week, and the Russian minister was of the number. One evening in January, upon reaching the Russian minister's, he said to me and other ministers: "I have very bad news; I learn that our frigate is lost; that she has gone down near the Grand Isle, where she went to practice." At that moment our ship, the Juniata, was lying in the harbor of Rio, under orders to go home on the arrival of her relief, which was hourly expected, and it occurred to me instantly that this was an occasion to make a good impression by a very kind act to the Russian government. I did not believe at the time that the frigate was lost, as false rumors are constantly flying about, but I said to him that if that was the fact he would find himself with eighty or a hundred young gentlemen on his hands at the sickly season of the year; and as Russia and the United States were always good friends, and as we had then a roomy vessel of war lying in the harbor, I was very happy to place her at his disposal; and told him when these boys came up to put them on board the Juniata, to take possession of her, send her where he pleased, and keep her as long as was necessary for the use of his government. The British minister, (now the British minister here,) was annoyed, as I knew he would be, at his inability to make a similar offer. He said: "I am sorry I cannot do as handsome a thing. The only vessel I have here is an iron-clad, on her way to the Pacific, and she is not fitted for the service required." On my return home, at twelve at night, I wrote an official letter to the Russian minister, placing the Juniata at his disposal, which I had delivered at daylight, assigning to my wife the reason that I had no idea the vessel was lost, and that I did not want to miss the opportunity of paying Russia a compliment. The next morning, when we were at breakfast, in came the Russian minister beaming with joy. He announced that he had good news; that the frigate was not lost. I said to him that he would recollect that I had made the offer in writing, and that he must report it to his government, which he did, and in time along came a communication from Prince Gortchakoff, directing the Russian minister to read the letter to me which he was directed to write by order of the Emperor; stating, also, that a similar letter had been sent to the government here, thanking our government for its good offices made through its minister in Rio. Godon, however, was, I have reason to believe, very much annoyed, but he never said a word, directly or indirectly, to me on the subject. It does not belong to his nature to come forward manfully and say: "Why are you interfering with my fleet?" or, "Why have you done this or that?" I gave him, perhaps, one other cause of offense. He and his staff called upon Mrs. Webb and myself, as we were taking a carriage to go to

Petropolis. I think this was the first time I had met him since he came up from the river. I asked him if it was true, as had been reported, that he had refused to send General Asboth up the Paraguay in order to have an interview with Mr. Washburn. He said yes, he had refused. I asked him what right he had to refuse a minister a passage in a public vessel, when that minister believed it was his duty to go up the river. He said he did not believe General Asboth had permission to leave his legation. I asked him if he presumed to put that question to General Asboth. He said yes; he asked him if he had permission to leave his legation, and General Asboth replied that he had not. I remarked that General Asboth was a great fool; that if such a question had been put to me, I would have replied that it was none of his business, and a very impertinent question. To which he responded: "But you are not General Asboth." These various matters undoubtedly created a prejudice, but it never exhibited itself until, finally, when dining with me, in company with the diplomatic corps, I asked him to have a boat placed at my disposal, to make an official visit to the British squadron, to return the call of the admiral. At the appointed time I was ready, but there was no boat. It was a dark morning, but did not rain, and I thereupon took the first boat I found with an American flag—a small boat which had come from one of our ships, commanded, I think, by Captain Wells. In her I made my visit, and, as etiquette requires, when the minister visits foreign vessels and receives a salute, if there be in the harbor any vessel belonging to that nationality, it becomes its duty to return the salute; I knew perfectly well it would annoy Admiral Godon when the salute was fired, knowing that he must answer it. At the proper time the salute was fired, and immediately afterward the salute was returned from the flagship. I was so much annoyed at the failure of Admiral Godon to send the barge for me that, on returning, instead of going on board the *Guerriere*, I went from the British flag-ship direct to the landing, and home. Admiral Davis arrived a day or two afterward, and just preceding court-day; and before I met with him I sent a note on board stating I was going to court on such an occasion, and would be happy to take him with me. Officers are always desirous of going to court. When the time arrived Admiral Davis presented himself in his barge, and also Admiral Godon in his barge. After court was over, Admiral Davis said he would go and pay his respects to Mrs. Webb. Admiral Godon also said he would like to go. I then said I would take the two admirals in my carriage, and the other gentlemen could order carriages from the stand, and we would drive up together some three miles. While we were waiting for these gentlemen to get carriages, Godon came and stood alongside of me, and remarked: "I did not expect you would visit the British admiral the other day." I inquired, "Why not?" He replied that it was a very rainy morning. I said that it did not rain; that it had rained slightly toward Bota-fogo, but that I called Mrs. Webb's attention to the fact that the pavement was not wet at the landing in town. He replied: "We are not in the habit of sending out boats in that kind of weather; and I hope you will think nothing about it." I said: "There is the end of it, Godon; don't say another word about it. I consider that as quite a sufficient apology." He then inquired: "Why did you not come on board my ship, after your visit to the British squadron?" I said: "Oh, nonsense; don't bother me with a thing of that kind. The carriages are ready; jump in, and let us go off." "No," said he, "I want a specific answer, why you did not come on board my ship instead of going ashore." I then said to him: "If you insist upon an answer, you shall have it. You know that you behaved badly in not sending the barge, and I intended to rebuke you in the presence of the fleet, knowing that everybody in the squadron would understand it." He replied: "There is the end of it. We can have no more intercourse. I will not go up in the carriage with you." This was on the palace steps. I remonstrated, and said: "You have made an explanation which I have accepted. Let this all pass, and jump into the carriage." "No, sir," he replied, "I will have nothing more to do with you." It occurred to me that this conversation, being private, with some twenty gentlemen composing the two staffs near by, there would be misrepresentation; and I thereupon turned to them and said: "Gentlemen, you notice the admiral and myself have been having a conversation here. I wish to state to you precisely what has passed between us." I then repeated the entire conversation, and added: "I now say to you, gentlemen, as I have said to him, I did not go on board his vessel, because I intended to rebuke him as severely as I could for having treated his minister with disrespect. Now, gentlemen, we will go and see Mrs. Webb." That was the last interview I had with Admiral Godon, and the only quarrel I ever had with him.

(At the instance of Mr. Washburn.)

Q. Had you reason to believe that Admiral Godon had any prejudice or dislike to Mr. Washburn, until after he sent the gunboat for him?—A. None whatever; nor do I now believe that he ever had any ground for such prejudice.

WASHINGTON, D. C., November 15, 1869.

Examination of JAMES WATSON WEBB continued.

By Mr. ORTH:

Question. General McMahon, in his testimony, states among other reasons why Brazil engaged in the war with Paraguay, her desire to control the La Plata River by the conquest of Paraguay, and her hostility against any republic situated on the borders of her slaveholding empire, Paraguay being a republic in name, with an elective president. As you were a resident of Brazil for a period of eight years, will you please state your impressions as to the purpose of Brazil in prosecuting this war?—Answer. In the closing part of your question you say Brazil would be hostile to any republic on her borders. That Brazil would naturally be unwilling to have a republic on her border I have no doubt; but if General McMahon intends to convey by that remark that she would, therefore, attempt in any way to conquer the republics now situated on her borders, or to extend her jurisdiction over any portion of these republics, he is entirely mistaken. But I do not consider the fact of his being mistaken on that point as very material, because, really, General McMahon has had no opportunity to ascertain the state of public opinion in Brazil. I think when he passed through Rio he staid there about three days, and I imagine he could say to this committee that he had no communication whatever with any Brazilian. He then went to the river Plate, and there found the allies of Brazil on both sides of the river, and shortly after went to Paraguay. I do not see how, therefore, he had any opportunity to learn the purposes or feelings of the Brazilian government, and of the allies. He remained in Paraguay until he returned to the United States by the way of London. It does appear to me, therefore, that any impressions, honestly entertained by General McMahon, must have been derived from Lopez, or persons about Lopez, in Paraguay; and are in fact Lopez's opinions and not General McMahon's. I happen to know, and can speak very decidedly, that there is no purpose of conquest whatever, nor has there been any such purpose on the part of the Brazilian government, from the time of the commencement of its war with Uruguay. When that war was commenced I was sounded, unofficially, by an official, to know whether in the event of its being brought to a successful close there would be any objection on the part of the United States to Brazil's holding a portion of the territory of Uruguay. I stated at once, without any authority, but based upon convictions of what would be the policy of our country, that under no conceivable circumstances would the government of the United States permit the government of Brazil, a slaveholding nation, to annex free soil to her territory; that while we would not attempt to interfere with the slaveholding institution of that country, yet any attempt to conquer either of the republics on her borders, for the purpose of adding them to her own territory, would unquestionably be resisted by this government, and would not be permitted. Subsequently, when the war was brought to a close with Uruguay, in an interview with the Emperor, I said to him, "Your majesty, there is here a very small strip a few miles, in extent north of the river, which appears to have been the source of all this difficulty. Uruguay has jurisdiction over it, but it is settled entirely by Brazilians; there are no people belonging to Uruguay there. And as in the interest of peace a necessity seems to exist for the acquisition of this small strip of territory, I think the government of the United States would not under the circumstances deem it any cause of offense if you should retain jurisdiction over it." He said, "No; when I was compelled to go into this war, I proclaimed distinctly that under no circumstances would I add one square foot to my dominions. I have closed the war, and shall carry out thoroughly to the letter that disclaimer." I may, therefore, say distinctly, as I do, that I am thoroughly satisfied that neither the government nor people of Brazil have in view now, whatever purpose they may have had thirty or forty years ago, any intention to extend their territory by conquest from the neighboring republics. I think it is my duty, after eight years' residence in Brazil, to speak thus emphatically with regard to her policy.

Q. (At the instance of General McMahon.) How do you reconcile this statement with the proclamation of Paranhos, after the occupation of Asuncion, confiscating the property of all Paraguayans?—A. In the first place Paranhos is the most unscrupulous public man in Brazil; secondly, I do not know of any such proclamation; and thirdly, if I did I should not consider it any part of my duty to reconcile my opinions in regard to the policy of Brazil with Paranhos's conduct in Paraguay.

Additional testimony of Martin T. McMahon.

WASHINGTON, November 15, 1869.

MARTIN T. MCMAHON, having been recalled, testified as follows:

Mr. Washburn has just read a statement of Alonzo Taylor. Let me say, in connection with it, that the same Alonzo Taylor told me in Asuncion, on my way home, several

months after his release, that Lopez never treated him otherwise than as a gentleman.

By Mr. ORTH:

Q. Did he have reference to matters occurring before or after his arrest?—A. He referred to his whole intercourse with Lopez.

Q. Then you do not believe those statements were extorted from him?—A. None whatever. He told me that on the 26th of September President Lopez came and in person released him from confinement. He then again repeated that he was never treated by him otherwise than as a gentleman. This conversation was, I think, on the 1st or 2d of July, this year, and several months after the statement which Mr. Washburn has filed.

By Mr. WILKINSON:

Q. What did he say about his imprisonment?—A. I think the only allusion made to it was that President Lopez came in person and released him, on the 26th of September, from confinement.

Q. How long did he say to you he was in prison?—A. I do not remember that he stated. I was talking generally about Paraguayan matters with several gentlemen.

Q. How did he speak of his treatment by those who had charge of him in the prison?—A. He made no mention of that; he simply broke into the conversation with the remark I have stated.

Q. How long had he been in prison?—A. I do not know; I think two or three months. I only refer to this statement of Alonzo Taylor to have it placed with his other statement as additional proof. This statement was entirely voluntary on his part, no reference having been made to the treatment he received while in prison. He premised the remark by some such expression as this: "I do not care what others may say; President Lopez never treated me otherwise than as a gentleman." He was not then under the surveillance of Lopez; he was within the jurisdiction of the allies.

Q. It has been reported by the allies engaged in the war with Lopez, that among the killed in that war, in one of their recent battles, were a considerable number of women. Do you know anything about this?—A. I can say very positively that no women were in his army during my residence in Paraguay, except as camp-followers. That a number of women were killed in one of the battles I know, but they were not bearing arms. They had quarters of their own in the most sheltered part of the field when the allied artillery opened fire upon them.

Q. What were the women doing there?—A. They were there as camp-followers, for the most part the wives and families of soldiers. They took care of the camp, brought vegetables and provisions there, and occupied the general province that women do in any army. They policed their own camp, and attended to such duties.

Q. Did they attend to the bringing in of the wounded from the field?—A. Yes, sir; and sometimes assisted in moving the heavy guns. I saw them doing that, but, at the same time, they were doing it voluntarily, and with laughing enthusiasm. As a general thing their wounded were not brought in; they have no ambulance corps.

Q. What do you judge to be the total population of Paraguay, within Lopez's lines, at this time?—A. It is very difficult for me to give any estimate of that, because I do not know to what extent reliance can be placed upon the recent reports of large numbers of refugees who have come into the lines of the allies. I know that many of these reports, during my residence there, were exaggerated, and some of them wholly untrue. I know of one statement which the Brazilian papers published, that twelve thousand refugees had been brought in by an expedition sent out by the allies, while the fact was that the expedition was defeated and overwhelmed with great loss, and, being routed in confusion, brought in no refugees. Subsequently I learned from American and English residents in Asuncion, within the allied lines, that these reports in the papers about women and children coming in were greatly exaggerated, and these were facts within their knowledge, because there was no other point for them to come to except Asuncion. They also informed me that the treatment of these refugees who came in there was exceedingly cruel by the allies. I was told by a foreign resident in Asuncion that they were brought in laden with packs and various things, paraded round the streets, sometimes two or three days, to be exhibited, almost entirely naked, and no provision being made for clothing them, or providing for their comfort or necessity; that they were treated with insult and abuse, and turned loose upon the streets, subject to the caprices of the brutalized soldiery of Brazil. And the gentleman who told me this was in the interest of the allies. He said that formerly he thought it a piece of great barbarity on the part of Lopez to drive this population back within his own lines, but that now, since his residence in Asuncion, he was satisfied Lopez acted wisely and humanely in so doing, as it preserved them from the brutal indifference of the allied authorities, and the more brutal lusts of their soldiery.

Q. It has been stated here that there have been little boys taken prisoners who were fighting in the ranks of Lopez; boys as young as ten or eleven years. Do you know anything of that?—A. There is no doubt that boys are in his army as young as ten or

eleven, and I have seen these boys fighting with an amount of courage and heroism that surprised me.

Q. Were you present at any of the battles between the Paraguayan and allied forces?—

A. I was present at the engagement that took place on the 21st, 22d, and 23d of December.

Q. Do you know an officer in the Paraguayan army by the name of Thompson?—A. Yes, sir.

Q. What was he doing there?—A. He was in command of a battery.

Q. Have you seen a book written by him?—A. I have.

Q. This book contains what purports to be a letter from Lopez to you. Do you know anything about it?—A. I received a letter of which I suppose this to be a copy. I never read it but once, and returned it to President Lopez afterward.

Q. Did you receive the document annexed to it, of which this purports to be a copy?—

A. I suppose I received this document. I remember receiving some document similar to this, which he asked me to take charge of and deposit in the legation of the United States until such time as he should call for it. This was for safe-keeping in case of his death. I was very glad to comply with his request as an act of courtesy and humanity. I also took charge of his children to take them away from this scene of battle.

Q. Were you much acquainted with this man Thompson?—A. Not very well; I saw him two or three times.

Q. Did he appear to be an intelligent gentleman?—A. He had the reputation in the army of being a good soldier. He was in command at Angostura, which was the most important point on the river. The position of Lopez was five miles back. On the 27th of December Lopez fell back into the interior, leaving Thompson in an isolated position. Thompson, the following day, surrendered the post without firing a shot, for which Lopez blamed him very severely. On one occasion I expressed the opinion to President Lopez that I did not blame Thompson for surrendering this post; that he was entirely isolated and cut off, and that it was his duty as a soldier to surrender the position to prevent a needless sacrifice of life; whereupon the President said: "If this is your opinion let me show you the position he occupied, and give you some evidence on that point." He then showed me the position and pointed out its defenses, which were much stronger than I supposed. I asked him in regard to his supply of ammunition and provisions, in reply to which he gave me a letter written by Thompson the day previous, stating that he, Thompson, had achieved successfully an expedition, capturing quite a number of things which he named, among which were cattle, horses, wine, sutler's stores and money; stating that he was amply provisioned for at least a month; that he had plenty of ammunition, and an ample garrison, and asking the President's permission to hold that position to the last extremity. Lopez sent him an order to hold the position for eight days, at the close of which period, if not relieved, he was to use his own discretion as to the course he should pursue. On the following day Thompson surrendered without firing a shot. It was known in Paraguay that the occasion of his surrender was a letter which came to him from Dr. Stewart, who had previously deserted from Lopez's army. It is but justice to Dr. Stewart to say that he claims that he was captured, but that report was not believed in Paraguay, even among his co-patriots, and his action in inducing Thompson's surrender, and his subsequent conduct, convince me that his statement is not true. Upon reaching the allied headquarters he wrote a letter to Colonel Thompson assuring him that Lopez's position was entirely desperate, that his whole army was destroyed, and that Lopez was a fugitive, and I think it was in consequence of that letter, and of a subsequent interview had by him at headquarters, that Thompson surrendered. I think that he afterward discovered his mistake. I do not think he had any disposition to give up his post, but he has since been so severely blamed by Lopez for his surrender, that I do not think his statements about the matter are entitled to credence. Like many others, his defense and sole revenge consist in proving that Lopez is such a monster that even sworn officers are not obliged to keep faith with him.

Q. How many fighting men had Thompson?—A. I am not aware. My impression is that he had about twenty-seven hundred. I asked President Lopez how many men he had; he laughed and said he had enough.

Q. He states in this book that he had twenty-four hundred men, but that a great many of these were maimed soldiers, unable to do duty in battle, and that he had but eight hundred fighting men. Is that, in your judgment, a correct statement?—A. I think eight hundred Paraguayans were sufficient to hold that post against the Brazilian army.

Q. How many men do you understand were in that army?—A. I presume they could have brought at that time fourteen thousand men. I once saw sixteen thousand of them repulsed several times with great slaughter by a force, I have reason to believe, that did not exceed twenty-five hundred Paraguayans. The position of Angostura was very strong, and the iron-clad fleet, generally, behaved very badly.

Q. Do you think Thompson is an intelligent man, whose statements can be taken with reliance?—A. I do not know him at all, except from one or two interviews of a few

minutes. His character in Paraguay was that of a good soldier, and I heard nothing at all against him until his surrender of his post, which, as I have said, I think he discovered, subsequently, was done unnecessarily. I have no doubt he intended to act conscientiously, and was misled by the communication from Dr. Stewart. After this surrender he went down to Buenos Ayres, went home to England, and never returned again to Paraguay. In view of what has occurred I think his statements as against Lopez are not worthy of credence. When asked by Mr. Worthington, in Buenos Ayres, about the reported atrocities of Lopez, he disclaimed all knowledge of them.

Q. Were the men who occupied the positions of judges in that country priests?—A. Some were priests and some were not; many of the priests, being non-combatants, were appointed to serve as officers of these courts, three judges being required, I think, for each court.

Q. Have they any legal profession there as we have?—A. I think not; they still retain the old Spanish system.

Q. Please state what mode of trial is adopted.—A. I could give you no definite information; whatever information I have is taken from documents I have read, and from the statements of others. For petty offenses I suppose the mode is very much the same as in other courts. The accused is brought up, testimony is heard, and if found guilty sentence is passed. All the cases for conspiracy and treason, which have been mentioned in these documents, were concluded before I arrived there.

Q. Upon what nature of evidence did Lopez and the court rely in passing their judgment of condemnation or acquittal?—A. The evidence seems to have been to a great extent the confession of the parties, implicating themselves and others, and any other witnesses having knowledge of the facts, I presume, were examined.

Q. Did you ever hear of any trial for conspiracy or treason in Paraguay wherein the accused was permitted a fair trial and counsel, as they are allowed to them in civilized nations generally?—A. That is a very difficult question to answer. I do not presume to pass upon its fairness, not being present at any trial.

Q. Is it not generally understood that the first step in one of these trials is an attempt to extort confessions from the accused?—A. I know of no understanding upon the subject. I have heard conversations in regard to the trials, but I never heard any specific statements as to the mode of conducting them.

Q. You state in your previous testimony that the list of persons purporting to have been found in the diary of General Resquin was not correct. To what extent is it incorrect?—A. I glanced at the list as published at Buenos Ayres, and noticed that it included the name of the vice-president of Paraguay, whom I knew to be living. His name is given in the list, and he is described in the pamphlet as the late vice-president. This pamphlet was published by the Buenos Ayres authorities, and was handed to me as evidence of the atrocities of Lopez. I looked it over, and recollect seeing the name of this vice-president in the list, and the paragraph giving the description, referring to him as the vice-president, and stating that he was tortured for a long time, and then put to death. I stated to the party who handed it to me that this man was living when I left Paraguay. I gave very little attention to the list, merely glancing it over, and noticing several instances in which it was incorrect, and that many of those put to death were shot for desertion; that others were spies of the enemy, and that a great number had died of disease.

Q. Was the paper not made by one of Lopez's own officers?—A. It may have been. I am inclined to think it was very much interpolated elsewhere.

Q. How many names can you mention that are not correctly stated?—A. It is impossible for me to say. I knew a great many soldiers in Paraguay, but I do not know their names. I noticed the name of a person here as one who died, and that fact is true, for I happened to be present; but he died from a Brazilian bullet.

Q. Is it not common, in these old Spanish countries, to find many persons bearing the same name?—A. I do not know. It is very difficult to get at the truth from any documents published. The committee will remember that there never was a war in reference to which there was so much lying as in this Paraguayan war.

I gave an opinion the other day as to who Mrs. Lynch was, and in support of that opinion I would like to read the following extract from a Buenos Ayres paper which I have since received: "We publish to-day an interesting narrative of one of the English Paraguayan sufferers, just come down. He speaks in the highest terms of the kindness shown to himself and wife, and also to all the English in Lopez's employment, by Madame Lynch, and he, in common with all the sufferers, denounces, in indignant terms, the calumnies and slanders that have, from time to time, appeared in some of the organs of the press against this heroic woman, who has ever exerted herself to mitigate the suffering which the war entailed on the Paraguayan people."

I stated, in my former testimony, my belief that Mr. Washburn, at one time, entertained the opinion that a conspiracy in some form did exist, and in support of that belief, with the consent of the committee, I will refer to some of the correspondence on which the statement was based. In the communication from Mr. Washburn to the Paraguayan minister, Benitez, dated July 25, he says:

"It is with profound regret that I find myself compelled to differ with the govern-

ment of Paraguay in regard to the case of Mr. Bliss and Mr. Masterman; but if any man has reason to respect firmness and strict adhesion to duty it is his excellency Marshal Lopez. After having maintained a struggle, almost unparalleled in history, for national independence, and having endured years of toil, danger, and sacrifice to defend his country and maintain a principle, he cannot but regard in another the same firmness and the same adherence to conviction and duty with respect and approval.

"That the plot of which your highness speaks has been detected and frustrated I would ask you to convey my most cordial and earnest felicitations to his excellency Marshal Lopez. I well remember what a thrill of horror ran through the civilized world when the great and good Abraham Lincoln fell before a foul assassin, and the universal execration that the deed provoked. That any person should be found in Paraguay engaged in a similar plot, is to me horrible beyond expression. Will your highness also felicitate his excellency the President for the returning of his birthday, and express my regret that I was unable yesterday, owing to the pressing duty of preparing this letter, to visit his excellency the vice-president at Luque, and formally offer my congratulations."

In another letter to the minister of foreign affairs, dated August 11, 1868, he writes: "It is fortunate for me that I had not left the country previous to the discovery of this plot. Though my dispatches to my government would have completely disproved the declarations of the conspirators, and though I have no doubt that the letters which they have sent below will show that I was entirely ignorant of their plans, and that they had not dared to confide them to me, yet the impression would still have prevailed among many people that I had been a party to the not only wicked but inexpressibly stupid plot."

In another portion of the same correspondence Mr. Washburn writes to the same official, speaking of letters which had been sent by the conspirators into the lines of the enemy under his ministerial seal and privilege:

"On the 28th of April last, I sent away my last dispatches for Washington, to be forwarded below, and thence passed by flag of truce through the military lines. Whether I sent letters for other persons or not I do not remember, but I presume I did, though I do not recollect for whom.

"Your highness expresses regret that I should not have noted in my diary the names of the persons for whom I sent letters. I also regret it. But such is the fact, and it is now too late to remedy it.

"I may have been wrong in sending letters for anybody without first knowing their contents; but as the minister of foreign affairs had already asked me to do the same thing for him, I could not suppose that the government would object to my sending family letters from persons holding no official position.

"I can make nothing of it, except that directly under my eyes there was a horrible conspiracy being formed, of which I knew or suspected nothing, and that the parties to it, after having abused my confidence and hospitality, have sought to divert the world's indignation from themselves by implicating in their crimes the minister of a great, a powerful, and an honorable nation. I may be wrong in my suspicions. God knows I would not wrongfully or unjustly accuse or suspect anybody, but that there has been treachery, ingratitude and villainy practiced upon me in some quarter is but too evident. All, however, will some day be made clear, and the guilty parties must hold a place in the history of infamy never before paralleled."

In a communication to the same party, under date of August 3, Mr. Washburn says: "From this statement your honor will see that if I have in any way been the means of conveying intelligence to and fro between the enemies and traitors to Paraguay, I have myself been the victim of the most damnable treachery and ingratitude. But I yet cherish the hope that of those who have abused my confidence the number will be found the smallest possible. I cannot yet bring myself to acknowledge that I am of a nature so credulous, and so unfit to be a minister, as to have in my house for near five months persons with whom I was on the most intimate terms, and all whose thoughts I ought to have known, yet who were at the same time engaged in any plot against the government without my suspecting it. I yet cherish the hope that a full investigation will clear this legation of having given shelter to such parties."

"As I before said I do not think it strange that, after the declaration of Berges, the government should have regarded me, and those around me, with suspicion."

There are many other paragraphs of the same tenor.

In regard to the treatment of Bliss and Masterman as prisoners on United States ships of war, I desire to submit the following extracts from Mr. Washburn's letters, to show what his views were on that subject previous to this investigation.

Under date of July 20 (addressing the minister of foreign affairs) Mr. Washburn remarks:

"The law of nations clearly prescribes the course to be followed when persons, members of a legation, are found to be engaged in any unlawful acts. It says that the government which it has offended may ask that they shall be sent to their own country to be tried, when the minister will be bound to comply with the request. Therefore, if the charges and proofs against Mr. Bliss and Mr. Masterman shall be furnished me

with request that they should be sent to their respective countries to be tried, I shall then have no alternative but to comply, and at the first opportunity send them away, the one to the United States, the other to the custody of the English minister in Buenos Ayres. This course, it is hoped, will be satisfactory to the government of Paraguay, as it will remove persons obnoxious to it from the country, and will subject them to trial according to the laws of their own countries, and as there is little doubt that an American gunboat will soon be in these waters, there will probably be but little delay in carrying it into effect."

Again, on the 22d of July, he says:

"I will therefore undertake to hold Mr. Bliss and Mr. Masterman close prisoners in this legation till I can send them out of the country, or till such time as the government may not object to their being set at liberty."

Under date of July 13, he writes:

"Yet, as your honor is well aware, it is laid down by all writers on the rights of legation, that until they can depart from the country the members of a once accepted legation are entitled to certain immunities, and if any one commits an offense, the government to which he had been accredited is not authorized to try him, but may send him out of the country, and demand his punishment of his own government."

And on the 25th of the same month:

"Respecting the question whether Mr. Bliss and Mr. Masterman are, or are not, rightfully and legally, members of this legation, I waive all discussion at present. I have assumed, as I believe correctly, that they are, and if now I were to recede from that position it would appear weak, and would be a confession that I had acted illegally in sending them away, for which act I should be arraigned and censured by my government. I may be in error in my judgment, but holding the opinions that I do, I have no other course to pursue than give them the protection of my legation until I can send them to their respective countries to be tried."

The following I quote from a letter of Mr. Washburn to the same party, under date of August 13:

"To the question whether or not the punishment that my government would administer would be timely, I reply I do not see why not. Your honor cannot suppose that these two individuals, closely shut up as they are in this legation, and having no communication with any person outside of it, can be dangerous. If not, why will not their punishment, if proved guilty, be as timely some months hence as now? If they can give any evidence which is necessary to ascertain the truth in regard to other accused parties, they have both expressed their willingness to do it; and should the government choose to send a notary to my house to examine them, I will give him every facility for doing so. I will also say that Mr. Bliss has declared, in relation to the paper which your honor, in your note of the 23d of July, says that he, 'in a secret committee of mutual obligations,' has signed to commit an infamous crime, that if any such paper signed by him shall be produced at this legation, he will instantly leave it. To this I will add that, while I shall still insist on my rights of legation, I will undertake that he keep his promise to me."

"Except under very extraordinary circumstances his (the minister's) house cannot be entered by the police, and no member of his legation can be cited before the local tribunals; and if they commit any offense against the laws of the country, all writers on international law declare that the minister shall either punish them himself or send them to his own country to be tried. These privileges and immunities, doubtless, frequently cause serious inconvenience to the local administration. But is it not better to submit to such inconveniences rather than have the law abrogated?"

Q. Are you acquainted with Benitez, to whom these letters are addressed, or did you know him in Paraguay?—A. No, sir.

Q. Have you heard anything as to what became of him?—A. I have heard from persons who have no other information than hearsay that he is dead; I have heard it said he was executed for treason and conspiracy.

Q. Did you believe the report?—A. I did.

Q. Did you, when you went to Paraguay, believe there had been a conspiracy?—A. I will say that I was in a state of indecision upon that subject. I did not believe it possible that Lopez, at that stage of the war, could have been so foolish as to invent the story of a conspiracy, which would tend very much to encourage his enemies and to weaken his own cause, and for this reason I was inclined to believe that there had been a conspiracy. On the other hand there were reasons for doubting its existence—such as the statements made to me in Buenos Ayres by Mr. Washburn, to which I now attach less credit—and hence my mind was in a state of indecision upon the subject. My strongest reason for believing in its existence was my disinclination to believe that Lopez would willingly exhibit such internal weakness at a time when the allies were very much disheartened, and when his own prospects were very good. It seemed incredible that he should invent and publish to the world a story calculated to do his own cause so much injury. On the other hand, as I have said, Mr. Washburn assured me that he was satisfied that there was no conspiracy; and I was unable to make up

any definite opinion on the subject at that time, not wishing to doubt my predecessor in a matter in which he appeared so positive. Nevertheless, Mr. Washburn's correspondence with the government of Paraguay, some extracts from which I have submitted, could not be reconciled with his then statement, especially as it had not been possible for him to obtain any new information.

Q. Have you ever seen anybody, outside of Paragnay, who had been in Paraguay during the war, who believed there had ever been any conspiracy?—A. I do not know that I have seen more than one person who fulfilled the conditions of your question, and that one was Dr. Stewart, whose testimony, for sufficient reasons, I would not receive.

Q. Did you ever hear from Lopez that Bliss and Masterman were his spies?—A. No, sir.

Q. Have you heard, in this correspondence, the threat made by Lopez that he would forcibly take Bliss and Masterman from Washburn's house?—A. I am not aware of any such threat. I remember a statement that they would not be allowed to leave the country.

Q. Then you read the letter of Benitez to Washburn of July 31, 1868?—A. I have, but it conveys to my mind no other impression than that the government of Paraguay would follow out the principles of international law. It does not convey the impression to me that they would take Bliss and Masterman from Mr. Washburn's house.

By Mr. WILKINSON :

Q. Do you think there is a difference, so far as following international law is concerned, between taking them from the house and taking them from the presence of the minister just outside of the house?—A. If they were members of his legation I do not think there would be any difference. If they were not, in good faith, members of his legation, I should say that after leaving the house they were liable to arrest as any fugitive would be who had taken refuge in the legation. The Paraguayan government evidently believed that the United States government would not sustain Mr. Washburn in his claim that Bliss and Masterman were members of his legation.

Q. In a dispute that may arise between an accredited minister of the United States and the government to which he was sent, whose statements ought the officers of the United States to receive?—A. Clearly that of the minister in all cases which can influence or change their official conduct.

Q. Did you have any interview with the mother of Lopez or with his sisters?—A. No, sir.

Q. Did Minister Washburn address you a letter at Buenos Ayres, in which he requested you to call upon the mother and sisters of Lopez and convey to them the regards of Mrs. Washburn?—A. Mr. Washburn intrusted to me some friendly message, such as his regards, which I intended to deliver, but no opportunity offered during the short time I was in Paraguay to visit them personally, and my sudden recall prevented me from going to see these ladies; they lived in another town.

Q. Do you know of Lopez having children by any other woman than Mrs. Lynch?—A. I have stated that I know of but one. I might add that I think I heard of the death of a daughter.

Q. Mr. Washburn desires me to ask whether you heard of a monument, thirty feet high, being erected to that daughter?—A. No, sir.

Q. You have said you have learned, from correspondence between Mr. Washburn and the Paraguayan government, that Mr. Washburn had consented to keep Bliss and Masterman in his legation as prisoners. Did you understand from that that they were to be prisoners with their own consent or involuntary prisoners?—A. I did not understand that the offer was accepted, but, on the contrary, that it was peremptorily declined by the Paraguayan government. I suppose the offer was made to keep them as prisoners whether voluntary or involuntary.

Q. Mr. Washburn requests that you give your opinion as to the motive of Lopez in trying to connect him with the conspiracy and in withholding his passports.—A. My opinion is simply this: In the first place it may be that President Lopez believed Mr. Washburn was guilty of complicity in the conspiracy; and if so, that would be one sufficient motive. If the ground that Mr. Washburn takes is true, that Lopez knew he was not implicated, it may be that he acted through personal hostility to Mr. Washburn. Mr. Washburn had given serious cause of offence to the Paraguayan government in refusing to leave the city of Asuncion after its evacuation, and after it had been declared a military post, a refusal which I think should have necessitated Mr. Washburn's immediate departure from the country. Now how far Lopez, who is a suspicious man, may have believed in his complicity is impossible for me to say. In regard to refusing to give passports I do not know what delay Mr. Washburn refers to. I do not remember the length of time, but I will answer frankly that I did think the Paraguayan government were decidedly getting the better of Mr. Washburn in that correspondence. My impression was that Lopez through his minister was playing upon Mr. Washburn's fears, and thus compelling him to make a most humiliating display of himself and take a course which neither his government nor his best friends would approve, and that for these reasons Lopez desired to continue the correspondence as

long as he could. You will notice that he never refused to give the passports, but simply delayed in furnishing them. As long as Mr. Washburn acted upon the defensive and undertook to explain in detail any charge, he was placed very much at a disadvantage and wholly forgot his position as minister of the United States, and it was Lopez's policy, of course, to continue the correspondence. This has been a motive that suggested itself to me in accounting for the delay in issuing passports. I do not think they were refused at all, but simply delayed.

Q. Did you regard Mr. Washburn's house as the legation of the United States after his departure?—A. Necessarily not; but I regarded it as the place of deposit of the archives and other property which had been left behind by Mr. Washburn, and to that extent entitled to respect and protection.

Q. Did you take possession of the house occupied by Mr. Washburn?—A. I did, by authority of the owner which I had previously obtained.

Q. What became of the property left behind by Mr. Washburn?—A. I understood it had all been stolen by the Brazilian troops before my arrival.

By Mr. SWANN:

Q. When did you enter in the Union army?—A. I entered in 1861.

Q. With what organization were you connected?—A. I entered as captain and aide-de-camp in the United States army.

Q. How long were you in the Union army?—A. I served until the close of the war and some months after.

Q. Were you connected with the Irish brigade?—A. No, sir; not during the war. At the close of the war I became colonel of the 69th regiment of New York.

Q. You rose by promotion to your present rank?—A. I did to the rank of major general by brevet.

Q. What were the prominent engagements in which you appeared?—A. I was, I think, in all the principal engagements of the army of the Potomac from the first movement from Washington up to the crossing of the James River for the siege of Petersburg.

Q. How long after you retired from the army was your commission as minister to Paraguay conferred upon you?—A. About two years after.

Q. Do you know through whose instrumentality that position was given you?—A. I was recommended by a number of prominent gentlemen here and elsewhere for appointment as minister to Mexico. I do not know at whose suggestion I was appointed as minister to Paraguay. The first notice I had of it was in a newspaper dispatch.

Q. How long were you in Paraguay?—A. I remained from December, 1868, to July, 1869.

Q. When you received your recall, by whom was the order made?—A. I was recalled by President Grant. It was during the connection of Mr. E. B. Washburne with the State Department, and the recall was sent by him.

Q. Had you been aware of any dissatisfaction with your public course, and were you surprised when you learned of your recall?—A. I was very much surprised. No dissatisfaction with my public course had been expressed. On the contrary, the dispatches which came at the same time with my recall conveyed the approval of the State Department of my conduct in Paraguay, and I have since received from the department a very strong approval of my latter course there.

By Mr. WILKINSON:

Q. From the time you went there till you came away what communication did you have with the government of the United States?—A. None whatever after going into the interior up to the time of my recall. All my communications had been persistently interrupted by the allies.

Q. Then the United States government did not have any communication from you, and nothing to approve or disapprove?—A. Yes, sir; they approved my course in regard to Bliss and Masterman, in regard to which they had full information.

Q. By whom were these dispatches of approval signed?—A. The first by Mr. Seward, and the later one by Mr. Fish.

Q. Did Mr. Fish approve of your conduct in regard to Bliss and Masterman?—A. No, sir; he had nothing to do with that; that had all been disposed of by previous dispatches, and I believe it is not customary to duplicate approvals unnecessarily. I speak of transactions about the time of my leaving Paraguay, which were the only matters in regard to which I had to take official action.

By Mr. ORTH:

Q. During your residence as minister to the Paraguayan government, how many American citizens were inhabiting the republic of Paraguay?—A. Two, as far as I knew. I have never learned of any others.

Q. What diplomatic intercourse with reference to the settlement of any question was had between you and the Paraguayan government as minister?—A. There was a case

of reclamation for property taken for the use of the army in Corrientes which is not yet finally settled. The only point, other than I have named, were verbal communications to the Paraguayan President in regard to negotiations for peace; but as a good part of them were regarded as confidential as between President Lopez and myself, in my capacity as minister, very little of it went into the diplomatic correspondence. I also had a communication subsequently in regard to the question as to the allied prisoners. There was a long controversy about that.

Q. In this matter of communicating with Lopez, had you had any instructions from the home government?—A. I never had any; I acted on my own volition. I had general instructions.

Q. Among the prisoners in whose behalf you corresponded with Lopez, were there any American citizens?—A. I think not; they were allied soldiers.

Q. Was there any matter of interest to your government requiring your attention at any time while you were minister to Paraguay, and during your residence there?—

A. I think the mere presence of a minister there was important to this government, for the purpose of sustaining this cause of republican independence in South America, which, whatever may be said for or against Lopez, he certainly represents; and for the purpose of securing to our government certain commercial advantages on the river La Plata, in case Lopez was successful in the war. There was little that touched any individual citizens there.

Q. You state that the residence of a minister there is important, in view of the fact that Paraguay is a republic; let me ask you whether the individual subject or citizen of Brazil is not more fully protected in his individual rights under his government than the citizen of the republic of Paraguay?—A. I am not competent to pass upon this question, because I cannot state what independence the Brazilian subject enjoys, except having seen "volunteers" for the Brazilian army, who had come from the interior in chains and under guard, two and two, to be sent to the army. The Paraguayans are a very peculiar people. They talk a great deal about liberty, but they confound liberty and independence. They have a passionate love of independence, but, as far as personal liberty is concerned there is very little of it in Paraguay, as we understand it. They have always been accustomed to an arbitrary sort of government, with which they are supposed to have nothing to do except to follow their own avocations; but when the question of independence of a foreign nation comes up, there never has been a people who have shown a stronger love of independence than the Paraguayans, from the lowest to the highest, or who would more readily die to preserve it.

Q. You say that you have ascertained that there are two Americans in Paraguay; did either of these Americans call upon you in any official capacity to act in their behalf; and if so, under what circumstances?—A. Never to act officially in their behalf. They called upon me socially; and one of them mentioned that he had property which had been taken by the government at the commencement of the war, and which he thought constituted just ground for reclamation. I told him that if he wanted to present the claim I thought the time was inopportune; that he had better wait until the close of the war; but that I would call the attention of the minister to the subject, which I did in a personal interview. This was immediately previous to my leaving the country.

Q. Please state more fully your reasons for thinking this government ought to have a minister in Paraguay.—A. As I have already stated, I think that Lopez is now contending for the cause of republican independence in South America. If Brazil succeeds in the destruction of Paraguay, the destruction of the Argentine Republic will follow, as that of Uruguay as an independent power has preceded, and the entire control of the La Plata and its tributaries will fall into the hands of Brazil; and the policy of Brazil has always been exclusive; they have always contended against the free navigation of the La Plata and its tributaries; and when, years ago, it was secured to the world by treaties made by Paraguay with the great powers of the world, Brazil and Buenos Ayres protested against the treaties. In the treaty of the triple alliance, moreover, among other stipulations there is one, that, upon the destruction of Lopez in Paraguay, the La Plata and its tributaries shall be free for the flags of the allied nations, and such other riparian powers as they may admit to such privilege; from which the inference may be drawn that it is not to be free for other governments. Brazil has neither the energy nor the population to develop that country nor her own; and it will always remain just as the northern and interior provinces of the empire remain now, undeveloped, with no commerce whatever. I think, on the contrary, that if Paraguay retains its independence, and especially through the influence of the United States, that the United States can develop a magnificent commerce on that river. I think it is generally admitted that the resources of Paraguay, in cotton, sugar, rice, tobacco, rare woods, medicines, marbles, and minerals, far surpass those of all the other South American countries, and I think the effect of our continuing a minister in Paraguay would be to secure for this country very great commercial advantages, as well as the effect it would have upon the republican sentiment of the continent of South America, and also tend to preserve our prestige in South America, which has been

greatly impaired by the withdrawal of our minister from Paraguay; a fact which, not being as well understood elsewhere as it is by many people here, creates the belief that in this great crisis through which the southern continent is passing, the United States, which ought to be the natural protector of republics, especially against an empire based on human slavery, is indifferent or even hostile in sentiment to that republic, which is making one of the most heroic fights ever witnessed against a most powerful but unnatural alliance. In comparison with these considerations I regard even Mr. Washburn's vindication unimportant.

Q. How do you understand these objects can be effected by the residence of an American minister in Paraguay?—A. The allies have all along tried to alienate the sympathies of foreign nations, and especially of the United States, from Paraguay and the Paraguayan cause. They worked unceasingly while I was in Paraguay to excite such fears for my personal safety as would induce my withdrawal. The withdrawal of the American minister leaves Paraguay perfectly isolated, without any means whatever of representing its cause to this or any other government. It remains shut out completely from the world and loses the moral prestige of having an American minister there; and so far as representations to other nations is concerned, the Paraguayan government will remain entirely at the mercy of the trained system of falsehood of the allies, which is far more vigorous than their arms.

Q. Do you understand that it is any part of the duty of an American minister to act as a missionary for the spread of republicanism?—A. No, sir; but it is part of his duty to tell the truth. When this war commenced the United States was represented by a minister accredited to the government of Paraguay. The war is not concluded, and I see no reason why, during the struggle, our minister should be withdrawn from one of the belligerents and not from the others, thereby creating an impression among those who do not know the circumstances of the withdrawal, that the United States has abandoned this gallant little republic which is fighting its battles for independence, and that our sympathies are with her enemies.

Q. From what you know, do you regard the government existing in Paraguay as entitling it to the name of a republic?—A. Certainly. It has an elective President; I have nothing to say as to the mode by which he is elected; it is not the province of a minister to investigate that subject; in my judgment it is a form of government peculiarly adapted to the Paraguayan people, and under any other form of government I think these people will, at least for a time, rapidly degenerate.

Q. Then the only republican principle you have discovered in that government is the fact that the president is elected?—A. I have not said so.

Q. Will you state how that election occurs?—A. I do not know; I know that he is elected by a Congress. He is elected, I believe, according to the forms of their constitution, and it is their affair not ours if he is not.

Q. That Congress, I understand, meets once in ten years, for the purpose of electing a president, and has no other functions to perform; do you consider that act as sufficient to constitute a republican government?—A. I think that any government which is maintained by the consent, and its chief magistracy transmitted by the vote, of the people is republican in form.

Additional Statement of Hon. Charles A. Washburn

WASHINGTON, D. C., November 15, 1869.

CHARLES A. WASHBURN appeared and was allowed to make the following additional statement:

When I gave my former testimony I could not understand or explain so well as I can now the origin of the idea in Lopez's mind that there was something going on opposed to his orders. I did not believe then, nor do I believe now, that there ever was anything like a conspiracy there. On the 21st of February, 1868, at nightfall, I first learned that the Brazilian iron-clads had passed above Humaita, and I supposed, and all around me supposed, that Lopez was completely invested in his position, and that it would be impossible for him to escape, or at least for his army to escape. I have since seen a copy of a letter written by the Vice-President, Sanchez, by which it appears that the minister (Berges) of foreign affairs had received notice two days earlier of the passage of the iron-clads, and it appears from that letter that when they learned this the military commander there called together the higher officers of the government to deliberate upon what they should do; and they decided, after consultation, that though they had scarcely anything to oppose to the iron-clads if they came up the river, yet with such force as they had they must make the attempt. They accordingly put the little fort which they had to oppose to them in as good a position as possible. On the 23d or 24th of February, two iron-clads approached, and we all supposed that the day of deliverance had come. They commenced firing upon the fort. The fort had nothing

to oppose but one large 150-pounder, which was very badly mounted, and which, I learned, could not be depressed sufficiently to strike anywhere near the iron-clads. They had a few old and small pieces—two or three—which they fired three or four times. They fired the big gun probably twice, and found that her shots could do no damage. The iron-clads fired about thirty-five or forty times, doing no damage to the fort and scarcely any to the town. After that brave display they turned tail and ran away. Lopez, when he learned that his ministers had been in council as to what they should do, immediately summoned Sanchez, Berges, and some others to his headquarters at Humaita. Before that time, his brother-in-law, Bedoya, had been called down and was, as it appears from this letter, in very bad repute with the President. After a time, however, when Lopez retreated from Humaita, these ministers accompanied him or followed him. Sanchez and Berges were sent to Asuncion; but it appears from this letter that Bedoya, being pressed to confess what he had already done—being tortured, as I understand—he began to accuse others. Benigno Lopez was called below. I think he was called below even before Lopez had retreated from Humaita; and then Bedoya in his torture began by accusing others. Benigno was called, and in his torture he did the same thing, and gradually all the principal men were arrested and put to the torture, and tortured until they either died or would implicate other people, so that the result was, all the best people in Paraguay were finally accused, taken to headquarters, and tortured until they confessed all that Lopez required of them, or died from the effects of torture. If they did not die they were subsequently executed.

I also wish to state something concerning the origin of the war, as I was present in Asuncion at the time and know all the facts, or most of them. Lopez, when he began his great military operations early in the year 1864, had, to all appearance, no idea of making war upon Brazil. Most of the articles which he had published in his *Seminario*, of a warlike character, were directed against the Argentine Republic. It was evident that he wanted to make war against somebody for the military fame it would give him, as well as to enable him to extend the boundaries of his dominions. It was believed by all foreigners, and such Paraguayans as I was very intimate with, that he intended to have himself declared Emperor. It is also believed that he had the expectation or the hope that the Emperor of Brazil, having acknowledged him as Emperor of Paraguay, would give him one of his daughters for an Empress. But he learned during the summer that the Emperor had other designs, and that his two daughters were to be married to European princes. Then he began to assail Brazil through his newspaper, and threaten to interfere with the military operations of Brazil against the Bando Oriental, or Uruguay, and after more or less correspondence with the Brazilian government through its minister Vienna di Lima, he sent a note, written by José Berges—the same whom he afterwards accused as a conspirator, tortured and executed—his minister of foreign affairs, in which he intimated vaguely that if Brazil did not desist from her contemplated operations, Paraguay would be at liberty to take up the cause of Uruguay in defense of the balance of power. This vague intimation was given in these words: "His Excellency, the President of the Republic, has ordered the undersigned to declare to your Excellency, as the representative of his Majesty the Emperor of Brazil, that the government of the republic of Paraguay will consider as infringing on the equilibrium of the states on the La Plata, any occupation by the military forces of Montevidean territory from the motives named in the ultimatum of the 4th instant, sent to the Oriental government by the special minister plenipotentiary of the Emperor, as that equilibrium interests Paraguay as a guarantee of her safety, peace, and prosperity; and that he protests in the most solemn manner against such an act, relieving himself of all responsibility as to the results of this declaration."

This was on the 30th of August. It has been often asserted that Lopez had notified Brazil that if it did not desist it would be an act of war against Paraguay. This is all the notice he had given, and nobody in Brazil or Buenos Ayres regarded it as such a notice. That Brazil did not regard it as such a notice is evident from the fact that her packet steamer went her usual trip to Paraguay intending to pass up to the upper provinces of Matto Grosso, as though nothing had happened. Nobody in Paraguay, so far as I knew, had any suspicion that war was to follow because of that declaration, and Lopez himself did not intend it should follow until the day of the arrival of that steamer. And I was informed in a manner that leaves no room for doubt—indeed I knew—that the steamer which arrived in Asuncion on the morning of the —th of October, 1864, had brought letters to Lopez as to a friendly power, and one of those letters gave him the information that there were some arms on board of this steamer, the *Marquez de Olinda*, and two hundred thousand dollars in money. Lopez was then at his military camp in Cerra Leon, some twelve leagues from Asuncion, the capital. The steamer had on board a new governor—or rather president—for the upper province of Matto Grosso, and some other officials of lesser grade. It took on board coal and fresh provisions, and about one o'clock started to resume its trip. Lopez received these letters from below and gave orders that his war steamer, the *Tácnari*, should pursue the *Marquez de Olinda* and bring her back. It started off that night, and on the morning of the second day after, the two steamers were anchored in front of Asuncion.

The new governor of Malto Grosso, the officers and crew of the *Marquez de Olinda*, and all the other Brazilians, were made prisoners and were kept so until they died of their sufferings or were executed. The steamer was declared a prize and converted into a Paraguayan war steamer, and Brazil had no notice whatever except this vague intimation of the 30th of August. The port was effectually closed; nobody could leave Paraguay. The minister could not leave; no means were offered him, and he applied to me, as being the senior or dean of the diplomatic body there, to intervene and obtain him the means of leaving the country. I did so. I had a long correspondence with Berges, Lopez's minister, and I began to fear that the Brazilian minister, his large family, and all his suite were to be kept prisoners in Paraguay. I went out to Lopez's camp and had a long interview with him. I told him that I did not understand that he had commenced the war according to the laws of war; that I did not understand even then that war had begun. But he said it had; it was a state of war. I told him then that the minister had an undeniable right to leave the country, and in a way consistent with the comfort and dignity of a minister. He told me that he could leave when he pleased; he had his passports. I told him he could not leave, because no vessels were allowed to go down the river. He said he could go by land. I told him that with his large family and the roads being impassable from there to Corrientes, that it would be next to an impossibility, that it would be at great risk of the lives of the ladies and children of his family, and that if he did not allow them to go, I should be compelled to make my protest against that invasion of the rights of legation, and if my protest was not respected, I should then ask my passports. Lopez, after a great deal of *wiggling* and *wriggling*, said he would send them away provided that he would give a guarantee both to him and to the United States government through me, that the vessel that went to take him should be permitted to return unmolested. I accepted the proposition, and returned to the capital, and yet there was a great deal of additional correspondence, which resulted, however, in his providing a steamer, and *Vienna de Lima* and his family got away. He believed then that he owed his escape entirely to me. And I have been informed since—he told Mr. Kirk, our minister at Buenos Ayres—that he was satisfied from the subsequent developments of Lopez's character, that he and his whole family owed their lives to my interference, and yet for this service I have never received any recognition or acknowledgment from the Brazilian government, and nothing but incivility from its military and naval commanders.

Now as attempts have been made to invalidate the testimony of the memorialists to Congress, Messrs. Bliss and Masterman, I wish to put in the statements made by other parties who have escaped from Paraguay since I did. There is the statement of Mr. Alonzo Taylor, whom I knew very well in Asuncion—a most worthy and truthful man. He describes his sufferings, his arrest, his torture, and in every respect his narrative confirms that of Bliss and Masterman. It was stated by one witness before this committee, that he had reason to believe, or had been told, that Bliss and Masterman had not been tortured. Mr. Taylor in his declaration states that when everybody was being tortured, he saw Masterman brought in with his face bloody, from which he inferred, of course, that he had been tortured. [Statement appended, marked A.]

I also give the statement as made by Captain Don Adolfo Saguier, a Paraguayan officer, whose testimony is similar to that of Mr. Taylor, and in all respects confirms it. [Statement appended, marked B.]

Then I would like to put in some papers for what they are worth, which were taken from Lopez's camp after the battle of Lomas Valentinas, December 27, 1868. I will state that the evidence I have that they were taken from Lopez's camp is, first, the facc of them, and second, the evidence of Mr. Worthington that he saw the original of one of the principal papers in the hands of the Argentine officials, and did not doubt it was what it purported to be. [Appended, marked C.]

I also wish to give the statement of Don Matias Goiburú which he made after he had escaped from Lopez. He was one of the *fiscales* of Lopez and superintended some of his tortures, and in this statement he tells how he was compelled to do the most atrocious acts. There was always a spy standing over him to report immediately to Lopez any delinquency, and he was forced from fear and terror to do the most terrible things, knowing that if he hesitated they would be visited upon him. [Appended, marked D.]

I would like to make a statement, also, in reference to the remarks of General McMahon about my having erred in continuing the correspondence as I did. I will state that when I received these formidable letters—after several persons who had been in my legation had left and I feared had gone to their destruction—and my fears I have since found were correct—Mr. Bliss, Mr. Masterman, and myself, debated very anxiously as to the course we should pursue when I was implicated. I proposed that I should send back that letter and refuse to continue any such correspondence. They said—and I was very much of their opinion—that such an act on my part would insure their immediate seizure, and I considered, after much reflection, that it was my duty to forget to a certain extent the dignity of my position and prolong the

correspondence, until a gunboat should come to our rescue; that I should answer those letters, and make very long answers that would take him some time to answer—so long that Lopez could not complain that I did not answer. His letters were immensely long, and therefore I wrote those letters and did prolong the correspondence until the Wasp arrived; and if you will notice the last long letter signed by Caminos, you will observe and be surprised at its inconsequential ending. That letter, as I have every reason to believe from its intrinsic character, was written before the Wasp had arrived, with the intention of seizing Bliss and Masterman, and denouncing them. It was a long recapitulation of what purported to be declarations from his minister of foreign affairs, Berges, from his two brothers, from his chief justice, and from Carreras and Rodriguez—not a word of truth in any of them. He prepared his letter, I am fully persuaded, intending to say that Bliss and Masterman would be taken immediately, and before he got ready to send it the Wasp came up and he didn't send it. If he had taken them I was well aware that he would have them tortured and that they would make declarations and he would send what purported to be their declaration—of a similar character to those that had been made by Benigno Lopez, Vincenzo, Berges, his chief justice, and all the others—and after that I should be advised that they had evidence that the conspiracy was still going on or something to that effect, and I should have been taken. That is the opinion, I believe, of all the people who were in Paraguay at the time. I have been informed by two or three that I have since seen, that they were expecting to see me every day brought there as a prisoner to headquarters. General McMahon may know better about this than I do; but if Lopez played upon my fears, then why did he send that letter of accusation against me—that last one? I will say, moreover, that we were in daily and hourly expectation that the house would be entered and Bliss and Masterman taken away. They were in such expectation of it that each had a little carpet-bag ready with certain things in it such as a comb and a little change of linen, &c., expecting to have the police enter and take them away suddenly, and hoped they could pick up that satchel and carry it with them; and I was persuaded, and am persuaded, that Lopez was on the point of searching my house; I had a great many manuscripts there that I had written myself, and I was afraid he would get hold of them, and if he had, neither they nor I would ever have left Paraguay. They will be published if I ever get time to complete my book. They were what I had written myself of his government and character. For some time I had a fire in the oven of my kitchen with instructions to my wife on the approach of the police to rush into the kitchen and put them into the fire. Now I might have acted without sufficient cause, but I had been in Paraguay longer than General McMahon had, and I know the truth a great deal better than he does.

I will pass now to the time when I left the legation. General McMahon says, in his testimony, that after I left the legation Bliss and Masterman followed. I had sent my wife, children, and servants ahead, as my wife was particularly anxious not to see or be present at the scene of their arrest, as we were satisfied they would be arrested. We were satisfied, all of us, (Bliss and Masterman, particularly, were satisfied,) that the less we did to enrage Lopez the better it would be, for we feared, until the last moment, that I should not get away. I feared and apprehended I should be stopped there after I got aboard of his little steamer, particularly for this reason: Masterman had some property, all he had in the world, amounting to some two thousand dollars or more, which he had made over to me; made a paper, saying: "In consequence of the great kindness you have shown me, I hereby make you a present of all my property I have got in Paraguay." I took that paper, though I told him I would rather put a hundred pounds to his credit than venture to take them, yet I would take them. I sent them aboard the steamer. They were four days aboard the steamer before I was permitted to embark, and nearly all my own baggage was on board. I apprehended that Lopez would wish to detain that, and would detain it—that property of Masterman's—and make it a pretext for detaining me, saying I was carrying away the property of conspirators, and the evidence of the conspiracy, or something of that kind. But I took it nevertheless, and we started to leave the house. The two consuls, Italian and French, were there to accompany me down to the boat, and I wanted them for witnesses, though Mr. Cuberville told me, the day of my departure, that he was apprehensive of being arrested at any moment. "I didn't know but what I might have fetters on my ankles, and be in prison before night," he said. We started. I got to the front door, and I happened to think my servant had left my hat box, and I returned and picked up my hat box myself, and came back. We walked along the corridor about half way, when Masterman, who is a little fool and of immense conceit, proposed to deliver himself up. The police in front had gathered around, perhaps twenty or thirty, when Masterman proposed to deliver himself up. It was a large house with a corridor in front. We had got about half way from the door to the corner, along the corridor, when Masterman says: "If they are going to take us they may just as well do it here," and was going to deliver himself into their hands. I said: "No; don't deliver yourself up; make them take you." I was angry, and I was frightened at the stupidity of the fellow, and says I: "Come along and make them take you." We got to the corner of the house;

I was a little ahead of the two consuls; one was at my right, not a foot in my rear, and Bliss and Masterman were in my rear, probably not four or five feet from me. Just as quick as I stepped down they rushed in and grabbed Bliss and Masterman; there were twenty or thirty of them. I stepped along, about two-thirds of the way across the street, and turned around. Masterman stopped a little, and raised his hat and said: "Good-bye, Mr. Washburn; don't forget us." I sung out: "I will do the best I can for you." I knew these men did not understand a word I said; if they had I would not have said it. Bliss, in the meanwhile, was just being pushed along, and they were taken off, and that is the last I saw of them.

By Mr. WILKINSON:

Q. Did you think that was violating the flag?—A. Well, I told Lopez, as soon as I got under the flag and beyond his power, that that was as gross a violation of the flag of the United States as though they had entered my house and taken them. I am yet of that opinion. Now I will speak of the condition of the mother and sisters of Lopez, whom General McMahon spoke of as being so kindly treated by her beloved son, and state what I know. I was the only person, I think, for months, that dared to go near her house without the permission of her big, brutal son. I have been^{off} there, and she and her daughter Raphaella, whose husband Lopez tortured until he died under torture, have told me they were kept prisoners in their house; that nobody dared to go near them; that their son Venancio could not come without permission of his big brother; neither could their medical attendant. They were worse off, they said, than anybody else. They said they hoped I would never leave the country; that I would probably be able to give protection at the last moment, and it was as clear as the sun at noon-day that they were hoping for deliverance at the hands of the allies. They had more confidence in me than in their blood relative, a great deal. I told them I would do the best I could to remain; that it was very unpleasant, and I wanted to get away, but I hoped in the final catastrophe I might be of service, and I would try and stay. I staid until the Wasp came, and I knew if I had asked for passports before this order for the evacuation of the town had come, that Lopez would not have given them to me.

Now I will speak about my dispatches. General McMahon says he does not think Lopez would have stopped my dispatches. I know he did. I know from the use he made of the contents of them in letters to me. I did not suppose it at the time. There were some things alluded to that I did not know how he could get hold of, but when I got to Buenos Ayres, and found my dispatches had not got through, I understood it all. I know Lopez stopped my dispatches.

General McMahon says that Lopez is an elective president—by the will of the people. I was in Paraguay at the time he was elected, and I will tell you how it was done.

In each district there is a chief of police and a judge. They are appointed by Lopez, and they constitute the government in each district. They were appointed before his election, by his father, but he being the military commander under his father, he had had pretty much the control of the government before his father died; and it was some months, I do not remember how long, that he was vice-president, with absolute power, before this so-called election took place. He sent out for such men as he wanted to come in—to be sent in as delegates to this congress. And if any man was sent in as a delegate who didn't suit him, he would send him back about his business. Some men that were nominated were returned back, I know. He then had a great military force about his congress.

Q. Who appointed these congressmen?—A. Lopez himself; he appointed everything. He sent out there and told them who to send in. A great many of the judges and the people have no voice whatever.

Q. Do you mean that they did not go through the forms?—A. I do.

Q. No election was held?—A. No, nothing of the kind; orders were sent out who should be elected.

Q. What does the constitution require?—A. Nothing that I remember. The constitution has no more binding force than the Pilgrim's Progress. There is no election. The men that Lopez wants are sent in.

By Mr. ORTH:

Q. Why, then, doesn't he do this directly?—A. It is an illusion that he wants to keep up.

Q. Then the constitution must require their appointment?—A. Yes, sir; it is barely possible that the farce of an election is gone through with; but the people would vote for just the person Lopez would designate, and if any man didn't he would be taken and put in prison immediately.

By Mr. SWANN:

Q. I understand you to say, from your own knowledge, that no notice was given of the election, and no popular election was held which resulted in the elevation of Lopez to the presidency?—A. According to my recollection the notice was given that the president was to be elected, and congress was to be called; but he sent out and desig-

nated the people who were to compose that congress. I know that of my own knowledge; that is, I am as sure of it as I am that the battle of Waterloo took place. These men who had been designated for the congress came in, and the palace where they met was surrounded by soldiers; and one unfortunate man by the name of Varela, the richest man in Paraguay for the time, when the congress met, of which Lopez himself was president—one man got up and said that he had read in the constitution that the government of Paraguay was not to be the hereditary property of any family; it was not to be the heritage of any family; and though he had great admiration for the illustrious Francisco Solano Lopez, and thought the country owed him a great deal, yet, with that proviso in the constitution, he did not see how he could support him. Another man got up and answered his objections.

Q. Do you understand that there is anything in the constitution of Paraguay which rendered him ineligible to office?—A. I do not. I think the answers given were valid enough. This man was a clever man, by the way—Vasquez. His answer was to the effect that though the constitution did so provide, the meaning of it was that no father should bequeath the government to his son; but that the people still had the right to elect whoever they saw fit. Varela expressed himself satisfied. The vote was taken. There was a great quantity of troops with bayonets about the palace. Lopez was declared unanimously elected. Varela was immediately arrested and never saw daylight again, and his property confiscated. He was the richest man in Paraguay. He was put in prison, and I suppose he had the vote of most of the others. That was the way Lopez was elected, and that is the kind of republicanism that exists there. I was there at the time, and am perfectly conversant with all the facts.

Q. Was there any announcement of the fact, by proclamation or otherwise, that an election had been held, and that Lopez had been unanimously elected president?—A. Yes, sir; I think so; it was published in the paper in some form or other.

I also wish to say this: that among the other atrocities of Lopez, it seems as though it had been his object to bring upon himself the curse which is found in these words: "The eye that mocketh its father, and scorneth to obey its mother, the ravens of the valley shall pick it out, and the young eagles shall eat it." He arrested all the confidential friends of his father and mother; he took this Padre Maïs, who had been the confessor of the two, a priest who has since become the head of his inquisitors by the most blasphemous document which he published, likening Lopez to Jesus Christ, or even putting him above him; he took all these men and arrested them and put them in prison; a great many of them he killed.

I also wish to state that I find, as far as I can learn, that everybody in Paraguay that knew Lopez well—was there before the war and through the war—are every one my friends. I had not an enemy in Paraguay, except Lopez, Mrs. Lynch, and, perhaps, Masterman, whose life I saved; and if I were to go back there I should be welcomed by all the survivors. I will read from an English newspaper, the Plymouth Western News, the report of Dr. Turnbull, who gives an account of the condition of the English who have escaped, I think, since General McMahon left: "All the foreigners who have now escaped confirm the worst that has been said of the frightful atrocities of this merciless tyrant, Lopez; and speak of the terrible state of suspense they have lived in for months, nay, for years, past. To those who have taken any interest in this war it will suffice to say that they, one and all, speak in favor of Mr. Washburn, the United States minister, and condemn his successor, General McMahon."

APPENDIX A.

My name is Alonzo Taylor. I was born in Chelsea, and I am a stonemason and builder by trade. In November, 1858, I made an engagement, through Messrs. Blyth, of Limehouse, to serve Lopez in Paraguay, for a period of three years, and teach the natives my trade. I am a married man, but I thought I would go alone and see what the country was like; and in 1861 my wife and my children came out to me, and we lived in a house near the Aduana.

Although I was disgusted by this time (1867) with the war, and the change in the country consequent thereon, still I did not see my way clear, or how I was to get my wife and children out of the country, for Lopez never gave us the option of leaving; so I made a contract for another year. Many Englishmen in the employment of the government refused to make fresh contracts, and I wish I had acted in the same manner.

On the 21st of July, 1868, after working hard at the soap works at Luque, I returned to my house at ten o'clock at night. Shortly afterward a cavalry soldier knocked, and told me through the door that I was ordered into the capital by the minister of war and marine, but he could not tell me why. But I knew it was useless to resist, so I mounted my horse and went with the soldier, who, when we passed the ministerio, told me that he had orders to conduct me to the captain of the port; so we rode on to the river bank, where I found a crowd of men. I dismounted, and was immediately, despite my remonstrances, put in irons, and placed with eight or nine other prisoners

until the morning, and then we were put on board the Salto de Guayra steamer. Mrs. Lynch and her eldest son, Francisco, came on board with some officers about eleven, and then we started down the river. As she left the steamer Mrs. Lynch looked, but she took no apparent notice of me, although she used to be very kind to me, and my daughter was often in her house. I had asked an officer who was on board, and used to be very intimate with me, if he would let me speak to her, but he said that being a prisoner I could speak to no one, much less to her. He abused me, and seemed to delight in my misfortune.

At this time President Lopez had his headquarters on the Tebicuari, a large river which runs into the Paraguay. We got there about four o'clock in the morning, disembarked, and had to march to the camp, a distance of six miles, in irons, and it was then our sufferings commenced. Our party consisted of an old man named Sortera, (he was very ill, and was not in irons, because he was unable to walk; he was the father of the 2nd captain of the port;) two Orientales, six Italians, a Corrientino, three Spaniards, one Paraguayan, and myself; eleven in all. With the exception of two, all wore one set of irons, and some two—thick bars and rings weighing from twenty to thirty pounds. A six-mile walk in Paraguay, at any time, would try a good pedestrian, but with heavy fetters on both ankles, in which one could only slowly shuffle along, was dreadful work. Besides that, we had to carry two of our sick companions, old Sortera and an Italian. They were put in hammocks, and carried slung on a pole. We had a strong guard with us, and they accelerated our march by an unsparing use of the point of the bayonet, and flogged those who lagged behind with thongs of raw hide.

That dreadful journey made a stronger impression on me than anything I suffered afterward, for it was all new to me, and I was in robust health. Afterward, when I was reduced in health and strength, I became stolid and listless, and suffered much less, both morally and physically.

After hours of incessant toil we arrived in San Fernando, a place never to be forgotten in the history of Paraguay, for it was there that nearly all the victims of Lopez perished, and under tortures, too, inflicted with fiendish ingenuity.

Daily I saw men tortured in the *capo de uruguayana*, of which more hereafter; others, and women, flogged, many of them to death, or shot or bayoneted in the most cruel way, during the months of July, August, and September, all of them charged with treason and rebellion, but quite innocent of those crimes. More than seven hundred of them were slaughtered altogether.

On arriving there I saw Mr. Stark, a kind old gentleman and a British merchant. He had resided in Asuncion many years, and was greatly esteemed and respected. He looked very ill and dejected. I was not allowed to speak to him, but I saw him flogged and often treated very brutally in other ways. He was shot, with a batch of other prisoners, about the beginning of September. John Watts, another Englishman, who was chief engineer of one of the gunboats, and Manlove, an American, were shot on the same day. To the best of my knowledge only two Englishmen were shot by Lopez, the other, Mr. Oliver, died from starvation and exposure, as did one of my companions the day after our arrival.

Old Sortera held out through months of starvation and suffering, but died eventually at Villeta of ague.

At San Fernando were hundreds of other prisoners in the same deplorable condition as ourselves, but as we were not allowed to speak to each other, we could not compare notes, and it was only after my release that I learned that they were all charged with treason.

Our so-called prison was only a piece of ground about twenty yards square, staked out, and with the sky for a roof. The mode of securing us was equally simple, but dreadfully painful. To one of the stakes a hide rope was made fast; prisoner No. 1 lay down on his back and loops were knotted fast around both ankles; then No. 2 lay down two yards off and was tied to the same rope. This was repeated until the row was full; then another was commenced in the same way, and so on. The ends of the ropes were secured to other stakes, and they were stretched by the full strength of two or three men until they were as taut as harp-strings. We suffered terribly; my ankles were soon covered with sores, and almost dislocated by the strain on them. In each prison space lay about fifty men. This mode of securing prisoners is called "*el cepo de lazo*," or rope stocks. Thus we lay night and day, with the exception of a short time in the morning, when we were marched into the woods under a strong guard. Sometimes those who tied us up were more merciful than others, and did not strain the rope so tight, but frequently the agony was dreadful beyond expression.

A chain of sentries surrounded us, and used to kick and thrash us as they pleased. They had orders to shoot or bayonet any who tried to escape. A request but for a little water was often answered by a severe flogging.

There we lay exposed to the burning sun, to the rain and storm, and almost maddened by the biting and crawling of the thousand insect plagues of the tropics, with very little food, and that only the offal of the beasts killed for the troops. We got no salt and no tobacco, which was the greatest privation of all.

Of the prisoners many were taken out to be examined or tortured, others to be shot. I never saw any one undergoing the torture, for it was always inflicted behind the bushes or in the huts of the judges.

I saw an Argentine officer taken away one day, and when he returned the whole of his body was raw. The next morning, when we were loosened, I pointed to his back, but did not speak; he let his head fall on his breast, and with a stick wrote in the sand one hundred. From that I gathered he had received a hundred lashes with a cow-hide, or else with one of the creeping plants (I think they call them *lianas*) which grew in plenty on the trees around us. That afternoon he was sent for again, and when he came back he wrote two hundred. The next day he was shot.

The prisoners were of all nationalities and of all grades and positions, but with the heat, wear and tear, the rain and wind, they were soon all alike, nearly naked. And our guards used to offer us pieces of bread or a few spikes of maize for our clothes, and, suffering from hunger as we did, we were glad to purchase a day's life at the price of a coat or a shirt. Amongst them were many women, some of them belonging to the best families in the country; some quite old and gray-headed, others young and pretty, especially Dolores Recalde, a very tall and beautiful girl, and Josefa Requelmè, a handsome woman, with very fine eyes. They suffered much, poor creatures, though they had little A-shaped straw huts to shelter them, as did some few of the other prisoners of the highest class, and used to weep piteously over their miserable fate.

For my part I do not believe that there was any conspiracy at all, unless on the part of the President himself and some of his tools to rob foreigners of their money. * *

The next day Major Serrano came again and asked me if I had considered the matter, and if I would confess all I knew. I replied that I knew nothing, and requested that I might be confronted with my so-called accomplices.

Serrano became furious, and at once ordered the officer of the guard to put me into the *uruguayana*. It is said this torture was invented in the days of Bolivar, the South American liberator, and hence its old name of "*cepo boliviano*," changed by Lopez to "*cepo Uruguayana*" after the surrender of Estigarribia there in 1865.

The torture is as follows, and this is how I suffered it: I sat on the ground with my knees up; my legs were first tied tightly together, and then my hands behind me with the palms outward. A musket was then fastened under my knees; six more of them, tied together in a bundle, were then put on my shoulders, and they were looped together with hide ropes at one end; they then made a running loop on the other side from the lower musket to the other, and two soldiers hauling on the end of it forced my face down to my knees and secured it so.

The effect was as follows: First the feet went to sleep, then a tingling commenced in the toes, gradually extending to the knees, and the same in the hands and arms, and increased until the agony was unbearable. My tongue swelled up, and I thought that my jaws would have been displaced; I lost all feeling in one side of my face for a fortnight afterwards. The suffering was dreadful; I should certainly have confessed if I had had anything to confess, and I have no doubt many would acknowledge or invent anything to escape bearing the horrible agony of this torment. I remained two hours as I have described, and I considered myself fortunate in escaping then, for many were put in the *uruguayana* twice, and others six times, and with eight muskets on the nape of the neck.

Señora Martinez was tortured six times in this horrible way, besides being flogged and beaten with sticks until she had not an inch of skin free from wounds.

At the expiration of two hours I was released; Serrano came to me and asked if I would now acknowledge who was to be the new President. I was unable to speak, and he went on to say that I had only been kept in the *cepo* a short time owing to the clemency of his excellency Marshal Lopez, and that if I did not then divulge it I should have three sets of irons put upon me, eight muskets in place of six, and kept in much longer. I was so utterly exhausted and so faint that at the time his threats made no impression on me. Afterward I was taken back to the guardia, and as a great favor I was not tied down that night.

The next day, July 25th, Serrano again called me up, and asked me who authorized me to mine the railway bridge at Ibicuy, a rivulet about three miles out of Asuncion. I replied that I had never heard of the bridge being mined, and that I knew nothing of such falsehoods.

On the 26th Serrano came again, accompanied by an officer named Aveiros. The latter asked me what masonic grade I had. I replied that I was not a Mason, but that on one occasion I went to the house of an Italian named Tubo, who was endeavoring to establish a lodge on false pretenses and mere moonshine.

Aveiros said, "Do you know that we have Tubo here?" "No; how should I?" Serrano said, "We will have you face to face;" and Tubo was brought to the hut. The examination was conducted by a young Paraguayan lawyer, who had been some years in England, named Centurion. He asked me, pointing to Tubo, "Do you know that man? Do you know that he hates you?" He repeated the words, "Do you know that he hates you?" in English, as I did not understand it when said in Spanish. I said, "I

wish to explain in English, as you (Centurion) understand it perfectly." He said, "There is no need to grant your request, as you speak both Spanish and Guarani sufficiently well." I said that I certainly ought to hate Tubo, for he had got a great deal of money out of me on false pretences, and had cheated me in the masonic business.

Tubo then said that I had signed a paper consenting to form one of his masonic society. This I denied, and then Centurion asked Tubo if I had signed such a paper. Tubo hesitated, and said, "I think he did." Centurion said angrily, "Your thinking is of no use; did or did not Alonzo Taylor sign the paper?"

Tubo became more embarrassed, and could give no answer, so I told them that the whole affair was an imposition. He was dismissed and I never saw him again, and heard that he was shot.

After Tubo left, Centurion questioned me about my countrymen, and why some of them would not sign fresh contracts. I replied in Spanish, "*Cada hombre tiene su asiento, y cada persona conoce sus intereses*," (that is, every man knows his own interests best,) Serrano and Aveiros together: "No, no, Alonzo, that won't do. You know why they will not renew their contracts." I replied, "I do not, but I do know that we Englishmen are heartily tired of the war, and the reason why we went to the American legation was, because there being no English consul in Asuncion we thought that we might get protection there until we could leave for England. My other object in going there was in order that Mrs. Taylor, who was near her confinement, might have the benefit of Mr. Masterman's assistance, as there was no other medical man in Asuncion; besides, I knew Mr. Masterman."

Centurion: "Indeed! then it is your opinion that the 'niggers' will take the town, and that you may be able to serve them."

I replied, "No; I have always been faithful to his excellency, and we have all done our duty, but are sick of the war and want to leave the country."

Serrano: "You were once a good servant, Alonzo, but for some months you have behaved very badly."

I was then taken back to the guardia and put in the lashings as usual, with strict orders to speak to no one.

It is useless to attempt to describe the miseries of our daily life in San Fernando, one unvarying round of privations, fresh prisoners, punishments, and executions. Not a day passed but some of us were taken out to be beaten, tortured, or shot. The cries of those being flogged were heart-rending. Two Orientales I saw flogged to death; and when young Capdavilla was shot he was black and blue from head to foot from the blows inflicted on him.

There were several ladies among the prisoners; they were flogged in the huts, but we could hear their cries,

Some few of us were lucky enough to get a piece of hide to lie on at night and make a shelter of by day. Only those who have lived in a tropical country can understand how trying it is to lie in the burning sun unsheltered.

We had very little food, and that chiefly offal; when it rained, which it did very often, we got none whatever; I was always hungry.

I am sure I am below the mark in stating that three hundred and fifty prisoners were shot during our stay at San Fernando.

The first execution I have any record of occurred on the 4th of August, when about forty-five were shot. Amongst them the two Susinis, and another Italian named Rebaudi. Those who could not walk were taken in carts, the others marched down two by two in irons. Then a volley and a few straggling shots gave us food for meditation. If the victims had good clothes on we saw the guard and the lower grade of officers come back wearing them.

The exposure to wet we suffered and want of food brought on rheumatism, ague, and dysentery, of which many died. Indeed, it seems almost a miracle to me that any survived such privations.

I cannot recollect the date when the army commenced their retreat to Villeta, but it was in September, but I shall never forget what we suffered on the way.

Before starting our irons were taken off, but we carried them with us, and we were allowed to talk together on the march; at night we were put in the *cepo de lazo* as usual. I counted about two hundred and sixty prisoners, fourteen of them foreigners, the rest Paraguayans. Among the former I remember Señor Cauturo, an Argentine and a great friend of Stark's; Fülger, a German watchmaker; Harmann, also German, and married to a Paraguayan; Lieutenant Romero, an Argentine; Captain Fidanza, Italian; Leite-Pereira, Portuguese; Segundo Bello, Argentine; Batolomé Quintara, Argentine. Among the latter were four ladies, Doña Juliana Martínez, wife of Colonel Martínez, who, after the evacuation of Humaità, surrendered to the enemy with his five hundred men, reduced to skeletons by fatigue and want of food; Doña Dolores Recalde; the Señoritas de Egusquiza, two aged spinster ladies, sisters of Egusquiza, formerly Lopez's agent in Buenos Ayres. Two bullock-carts were dragged with us, supposed to contain the sisters of Lopez.

We finished our journey of one hundred miles, in spite of the difficulties of the road and our exhausted condition, in seven days; I mean as many of us as survived. Señora Martínez walked the whole distance, although her body was covered with wounds, her face blackened and distorted, and with a raw place on the back of her neck the size of the palm of my hand; for this poor lady had been put six times in the *uruguayana*, as I have said. She was, until her arrest, most intimate with Madame Lynch; but she was then selfishly abandoned by her once affectionate friend, and left to her dreadful fate. When I first saw her she was an extremely pretty young woman, and had reached but her twenty-fourth year when executed. She often spoke to me on the march, for companionship in misfortune makes us all equal and confidential, and Doña Juliana told me all her sorrows. She was very anxious to know if a large black mark she had over one of her eyes would disappear, or if it would disfigure her for life. The latter was the case; for when I saw her led out to execution on the 16th or 17th of December the mark was still there. Her only crime being the fact that she was the wife of a gallant officer, who had been abandoned by Lopez, and was compelled to surrender through starvation!

We got very little food on the road; for it was only when we had to get out the way, to let the troops pass, that we could find time enough to cook the wretched meat they gave us.

I saw two old men stuck fast in the mire, and left there to die of starvation or to be devoured by the vultures, which were already flying around them.

We arrived at Villeta early in September, and there we were placed, as before, in the open air and in the stocks. One day I saw Mr. Masterman brought in as a prisoner in irons, and a man named Bliss, an American, with him; but they did not long remain in the same guardia. I did not dare to speak to him; and I saw him one day with his face bloody, so I suppose he had been tortured.

Soon afterward Mr. Treuenfeld, the German telegraph engineer, was brought in a prisoner. He did not recognize me; but at night we lay near each other, and he said, "I shall have plenty to tell you about Washburn (the American minister) and the English gunboats: but I cannot do so now, for I am not allowed to talk."

On the 16th or 17th of December, Col. Marco, formerly chief of police, rode up to the guardia with several other officers, and he read the following names from a piece of paper.

Sosa, (a priest.)

Juliana Martinez. (Poor lady! she could scarcely stand, she was so emaciated and weak.)

Dolores Recalde, (a tall and once a very beautiful girl.)

Luísa Egusquiza. (This poor old lady must have been sixty years of age, with thin grey hair, and a very benignant and venerable look. Her sister had already died, alone in her wretched hut.)

Benigno Lopez, (brother of the president.)

José Berges, (formerly minister for foreign affairs.)

—— Bogado, (dean of the Cathedral of Asuncion.)

Colonel Allen, (one of the commanders at Humaita. He had lost an eye in trying to commit suicide.)

Simon Fidanza, (an Italian merchant captain, who sold his ship to Lopez, and was not afterward allowed to leave the country.)

Leite-Pereira, (Portuguese consul.)

Each answered to his or her name by walking forward and standing in front, until a line had been formed and the list gone through; then they were marched off with a strong guard in front and rear. The sad procession was closed by three priests carrying chairs, who would confess the condemned at the place of execution. We never saw them again. At the expiration of about an hour a volley was heard, then a dropping shot, and all was over. The guard came back, one old soldier wearing Captain Fidanza's surtout, and the officer the uniform coat of Leite-Pereira, with its gilt buttons.

Perhaps some of these men may have deserved death. Captain Fidanza was said to have denounced the rest; but that was after he had been tortured, and he soon became insane. But surely there can be no excuse for such a revolting crime as shooting defenceless and innocent women for the faults, real or pretended, of their husbands, brothers, and lovers. Whether there was conspiracy, time will show; but if the so-called conspirators were convicted on no better evidence than that on which I was kept a prisoner for five months, they must be regarded only as victims and martyrs. The truth will out some day, and then President Lopez will take his proper place in history, as a hero or a fiend.

On the 21st of December we were released from the stocks, as usual, at 6.30, but at once tied down again, because the Brazilians had got our range, and shell were flying over and close to us, and the Paraguayans hoped to see us thus got rid of. But I felt no fear, and was quite resigned; for the shocking misery I had suffered for five months had blunted, indeed, nearly obliterated, all feelings, moral and physical.

Four days afterward Lopez and Mrs. Lynch rode through the guardia, with several officers, and I think she drew his attention to us. We were ordered to stand in a row, and he came up to us, and asked, "Are you all prisoners?" We replied, "Yes," and then Mr. von Treuenfeld appealed to his excellency, who asked him why he was there. Mr. Treuenfeld said he did not know, and the President told him he was at liberty, and might retire. I then approached, and said I should be very grateful for the same mercy. Lopez asked me who I was, and affected great surprise when he heard my name, and said, "What do you do here? You are at liberty." Then the other prisoners, ten in number, came up and received the same answer. We remained with the officer, but without a guard, until the 27th of December, when, at five o'clock in the morning, heavy firing commenced, round shot and shell flew among us, and shortly afterward we were charged by Brazilian cavalry. I was slightly wounded by a rifle-ball in the shoulder, but succeeded in escaping to the woods, accompanied by two Argentine gentlemen. But many of the prisoners were too weak to move, and they were all killed.

Later in the day we fell into the hands of some Brazilian soldiers, who took us before the Marquis de Caxias. He questioned me, and told me to go where I pleased. I said I was too weak to walk, and one of his officers, Colonel G——, who had been a medical man, was kind enough to take care of me. I cannot express how much I owe to him.

I was a miserable object, reduced to a skeleton, and enfeebled to the last degree. When I was at Luqu , I weighed one hundred and seventy-eight pounds; and when I went on board the gunboat "Cracker," only ninety-eight pounds.

After recruiting my strength for four days at Lomas, I left on horseback for Asuncion. I suffered terribly on the road; for I had scarcely any flesh on my bones, and had not strength enough to keep myself in the saddle.

There I arrived at last, but so ill that I could not speak for some days; but another Brazilian officer was very kind to me, and also Major Fitzmaurice, an English officer in the Argentine service.

My wife and children I have not yet seen; but the French consul told me that they were in the cordilleras, alive and well. I am daily getting stronger and gaining flesh, but I look like a man just recovering from yellow fever; and as I dictate this to Mr. Shaw my memory sometimes seems to leave me, I cannot fix my attention; but I hope I shall soon recover my health, both of mind and body.

BUENOS AYRES, January 20, 1869.

APPENDIX B.

Captain Don Adolfo Saguier has furnished us with the following details relating to the acts of barbarity perpetrated by Lopez.

He (Lopez) caused the prisoners to receive five hundred, a thousand, and even two thousand lashes before shooting them.

Dr. Carreras was flogged thus most barbarously. Captain Saguier, who was placed within sight of Dr. Carreras, and, like him, in fetters for five months, saw the punishment inflicted, and speaks of his shrieks, wrung from him by the blows inflicted with a hide rope and with sticks.

B rges was also flogged before being shot. Don Benigno Lopez (the President's younger brother) before execution was almost cut to pieces. Captain Saguier saw it done, and knows the executioner who flogged him, he is named (Major) Aveiros, and was formerly a secretary in the internal revenue office.

The Marquis de Caxias holds as prisoner a captain of cavalry, named Matios Goiguri . It was he who commanded at the execution of Benigno Lopez, General Barrios, the Bishop, Dean Bogado, the wife of Colonel Martinez, Do a Mercedes Egusquiza, Do a Dol res Recalde, and others, whose names he does not remember.

This took place on the 21st of December, 1869, and their execution was witnessed, by order of Lopez, by his two sisters, Inocencia, wife of General Barrios, and Rafaela, widow of Don Saturnino Bedoya, (who had been put to death, as Lopez had directed, by the prolonged infliction of the torture called the "*cepo uruguayana*,") and his brother Venancio. They were, after the execution was over, shut up in a large bullock cart and sent away, but he does not know whither.

The greater number of the prisoners suffered tortures of all kinds before being made away with, such as the *cepo uruguayana*, flogging, and hunger. Many of those unhappy men, who had been put to the torture, died, sometimes five or six a day, from the agony or from starvation.

APPENDIX C.

Barbarous order about desertion.

"Long live the republic of Paraguay!

"CAMP IN PASO DE LA PATRIA, *March 25, 1866.*

"By order of his excellency the marshal president of the republic, and commander-in-chief of its armies, the following punishments are in force:

"For all those who fall asleep on guard:

"1. The officer to be arrested, and reported to his excellency.

"2. The sergeant to receive fifty lashes standing.

"3. The corporals to receive forty lashes.

"4. Privates to receive twenty-five lashes each.

"In case of desertion of a soldier when detached from his company:

"1. The rank and file next to him on each side to receive twenty-five lashes.

"2. The officer in charge of the company in which a desertion takes place, to be arrested and reported to the supreme government.

"3. The sergeant to receive fifty lashes, and do duty in his company for one month as common soldier and one month as corporal; at the expiration of these two months to be reinstated to his former rank of sergeant.

"4. The corporals to receive forty lashes in circle, and do duty in their companies as common soldiers for two months, after which to be reinstated to their former rank of corporal.

"This order is applicable to troops or detachments told off from their respective companies for any work or employment under the charge of their respective officers.

"F. I. RESQUIN."

DOCUMENTS EXPLAINING THE DEPOPULATION OF PARAGUAY.—WOMEN DRIVEN ABOUT IN HERDS.

"Long Live the republic of Paraguay.

"CAMP IN PIKYSYRY, *December 18, 1868.*

"To Captain Bernardo Amarilla:

"By supreme order I dispatch to your quarters, under charge of Ensign Ignacio Romero, and thirty armed men, nine hundred women, who are to proceed in the manner to the Cerro Aruai, thence to Paraguari and Caacupé, on the other side of the Cordillera, with instructions to the commandant of the department of Caacupé to distribute them in the furthest districts of that part of the Cordillera, where they may be able to sow beans, andaiques, &c. For this purpose you will forward this order to the commandants of Paraguari and Caacupé.

"May God preserve you many years.

"F. I. RESQUIN."

"Long live the republic of Paraguay.

"To the captain commanding the detachment of Yuquity, and the commandants of Paraguari and Caacupé:

"By supreme order I dispatch another batch of six hundred and forty women belonging to Villeta, and one hundred and seventy belonging to different districts, in order that, as on a previous occasion, they may be safely escorted by thirty cavalry soldiers, well armed, under charge of an officer, from Paso Yuquity to the Cerro Aruai and Paraguari; and if there should be no available forces at either of these points, as far as the district of Caacupé, with instructions to the commandant of the latter place to distribute them, as soon as they arrive, through the other central districts of that Cordillera, and see that they be usefully employed in agriculture or other occupations by which they may provide for their own sustenance; for this purpose they are to be allowed whatever assistance may be at hand.

"F. I. RESQUIN."

HORRIBLE.—SHOOTING FOR CONVERSING AND FLOGGING FOR LISTENING.

Deposition of Private Candido Ayala, of the grenadier company of the 3d battalion.

"Long live the Paraguayan republic.

"CAMP IN SAN FERNANDO, *April 4, 1868.*

"Deponent states that being last night round a camp fire, with other soldiers of his company, he was relating to them the sayings and offers of the enemy, which he heard.

when doing duty in the vanguard, under the orders of Major Benite Rolan, whenever they came within sight of each other. On one occasion some of the enemy said, 'Come among us; throw away your ponchos of hide; here we live well, and you shall want nothing; forget your president, that old big-bellied Indian.' At this moment the commanding officer, who was near, overheard these words, and immediately rebuked him, saying, 'Be silent; who has authorized you to refer the words of those wretches, and what can they say or impute to our illustrious marshal, who is the handsomest and most graceful sovereign in all the American Continent?' Deponent was then asked by said officer what induced him to refer such things, which were nothing but injurious personal attacks upon our lord president; and he said that he repeated what he had heard without any evil thought, not knowing that he was incurring blame.

"The undersigned ordered deponent to be put into irons and imprisoned in the guard-house, where he at present lies, and reports the circumstance to the commanding officer of the division.

"JULIAN D. GODOY."

"CAMP IN TEBICUARY, April 4, 1868.

"By order of his excellency the Marshal President of the republic and commander-in-chief of its armies, the accused, Private Candido Ayala, third battalion, is sentenced to be shot, and each of the soldiers of his company who listened to his conversation are to receive fifty lashes. The execution of this sentence is intrusted to the major commanding said corps, who, in reporting its due fulfillment, will state the names of those who have been flogged.

"F. I. RESQUIN."

"CAMP IN SAN FERNANDO, April 4, 1868.

"In compliance with the above supreme order, which I have received with due respect, I ordered sentence of death on Private Candido Ayala, third battalion, for the cause above stated, to be carried out this very day; also, that fifty lashes should be applied to Sergeant Faustino Sanabria, Corporals José Figliero, Blas Gimenez, and Privates Baltazar Medina, Matilde Pino, Tomas Duarte, Cecilio Maciel, and Canuto Galeano, who all were listening when Ayala was speaking so irreverently. Private Canuto Galeano was, by mistake of the corporal, punished with only forty-nine lashes, and I ordered the number to be completed to fifty, which being done, he turned around, as if offended, asking to be punished more, if the number was not yet completed, for which display of pride I had him punished with twenty-five lashes more, and placed in the stocks.

"All of which I respectfully beg to report to you.

"JULIAN NICANOR GODOY."

APPENDIX D.

[Translation.]

Statement of Don Matias Goiburú.

At the headquarters of the Argentine army in Trinidad, February 12, 1869, his excellency the commander-in-chief having ordered that his secretary shall take some statements, according to the tenor of the note which heads this document, I caused Don Matias Goiburú to appear before me, who, having first taken an oath, I interrogated in the following manner:

Questioned as to his native country and employment, replied that he is a Paraguayan; that he has been a captain in the army of Lopez; that at present he is adjutant of these headquarters.

Questioned when and in what manner he left the service of Lopez, replied that he left the army of Lopez on the 27th of December; that he did so voluntarily, availing himself of the confusion of the battle which had already begun.

Questioned concerning the treatment which the prisoners of war received from Lopez, and ordered to state in particular what he knew upon the subject, specifying, if possible, some cases, replied that he can answer with full knowledge, but that he has to begin from the 3d of November, 1867, because he is ignorant of what happened before that date. He does not mean to say, however, but that, by public notoriety, he knew that prisoners had been treated with cruelty before that time; though in the reply to that question he will say that the treatment which prisoners received, except in a very few cases, was cruel and most atrociously barbarous; that it is necessary to have witnessed what those wretches suffered in order to reveal it; that in the battle of the 3d of November, in Tuyuti, there were taken from two hundred to three hundred prisoners, of whom more than one hundred were staked out and whipped with cords, and forty-five were shot; that in order to consummate this cruelty a mutiny in the encampment was

invented by a man called the Viscount of Porto Alegre; that the person who did not declare all that was demanded of him by the prosecuting attorney, was invariably staked out and flogged until the confession which was demanded was obtained; that the beginning of this arose in the flight of one of the prisoners, a Brazilian negro, who was taken as he was leaving the entrenchment, and who, being interrogated and tormented, said that he was trying to escape in search of food, since he was dying of hunger. After new and horrible chastisements he declared that he was going away in order to bring the Viscount of Porto Alegre, that he might conduct a movement that was going to break out among his companions, with the object of forcing the guard that kept watch over them, kill them, and start for the Brazilian encampment, on the route toward which they were to be protected by the said viscount; that he knows this, because he, the deponent, was charged with the custody of those wretches; that on more than one occasion, with cruel grief of his own heart, he has been obliged to be present at, and even to superintend, chastisements which are reprobated by humanity and civilization; that of these same persons many died—some from misery, others on account of the scourging which they suffered, and many being shot on different occasions; that the deponent believes that the fortune of the former was preferable to that of the latter, because they at least gave up their life to the tyrant without having suffered the horrible martyrdom of those who, at a later time, the companions of their misfortune, were victims; that Lopez had established such barbarous responsibility, that the offense of one had to be expiated by the blood of his companions; that at the time of which he is speaking the officers among the prisoners of war enjoyed a relative liberty; that in consequence of a Brazilian captain, named Correa, having escaped, (who was apprehended the day after his disappearance,) all the officers were put in strict imprisonment, with heavy bars and fetters, and placed on half rations; and that after prolonged suffering three of these wretches died of misery, and above all of hunger.

Questioned: What was the treatment which prisoners of war received after the period you have mentioned? Also, do you know of Lieutenant Colonel Don Gaspar Campos, or any other officers, and state what was their end? State also whatever you know which is not relative to this question. Replied: The treatment received by prisoners in the periods later than that which is before mentioned, became every day more and more cruel and barbarous; and as the position of Lopez became greatly difficult, he multiplied chastisements and diminished the food of the prisoners, and loaded them with every species of suffering; that, from the time Lopez abandoned Humaita, the officers who were in charge of the prisoners had orders to shoot every one who became tired out in the marches; and that he knows that in the marches made from San Fernando to Lomas, there were shot or lanced many who had the misfortune not to be able to walk, and weighed down by misery, suffering, and disease; that in later times every person who deserted to the Paraguayans, or was taken prisoner, whether officer or soldier, was flogged until he declared whatever was demanded of him; and that many have died through the effect of the scourge with which they suffered, others having been shot afterward; that he knew the Lieutenant Colonel Don Gaspar Campos; that he knows that he arrived at Villeta; that when he saw him last he was very much attenuated, and he has heard it said that he died of misery lately; that he knows that Lieutenant Morillo, of the Argentine artillery, was put to death by lancing; that many others were also sacrificed whose names and the circumstances of their death he does not know.

Questioned concerning the executions ordered by Lopez; to state the case, names, the circumstances of nationality and sex; replied that he knows perfectly that Miguel Elorduy, Florencio Uribe, José Elorduy, Bernardo Artaza, Miguel Elorduy, (sobrino,) Lucio Echavarrioste, Ignacio Galarraga, Francisco Lotera, Martin Madrenas, Eujenio M. Aguirre, Francisco Vidal y su yerno, Enrique Reina, Pelayo Azcona é Isidro Martinez, lo mismo que Inocencio Gregorio, all Spaniards, died in the camp of Lopez, the chief part of them in consequence of tortures received, or from misery; also, fusilados, Lucio Echavarrioste, Francisco Lotera, Francisco Vidal, Enrique Reina é Isidro Martinez, who died by being lanced, because they were unable to continue their march; and Gustavo Hamann, Emilio Neuman, N. Hoffman, Carlos Urrich, all Germans, died by the same inhuman treatment by the order of Lopez; and the English subject, Guillermo Stark, shared the same fate. And in the same manner Lassere y los hermanos, Duprat y su hijo, Valet, Anglade y su hijo, y los italianos Nicolás Troya, Antonio Susini, Ejirio Terreo, Antonio Rebaudi, Nicolás Susini, Agustín Piaggio, Simon Fidan, Pio Pozzoli y N. Ravizza, así como E. Tubo y H. Grillo. Que fusiló á los bolivianos doctor Tristan Roca, doctor N. Vaca, doctor N. Gutierrez y varios otros. Que hizo matar á los portugueses Candido Vasconcellos, Américo Varsela, Antonio Vasconcellos, Corraia Madruga, all Frenchmen, were put to death, and various others whose names have escaped his memory. Also the Orientales Antonio Nin Reyes, doctor Antonio de las Carreras, Francisco Rodriguez Laracha, Federico Anavitarte, N. Caravia, Coronel Laguna y muchos otros, y con los argentinos, Coronel Lotera, Coronel Virasoro, César Gondra, Coronel Martinez, Sargento Mayor Lucero, Capitan Goaycochea, Coronel Telmo Lopez, Capitan Garay, Enrique

Garcia, Desiderio Arias, N. Barrasa, Mayor Carranza, Aureliano Capdevila, Sinforos o Cáceres é hijo, N. Gauna, José Cateura, Ramon Capdevila, N. Palacios, Ventura Gutierrez y Corio lauo Marquez, were put to death by order of Lopez. That besides these there were many others of the nationalities referred to whose names he does not know; and besides those almost all the prisoners of war of the allied army have perished; that he knows of these facts because he himself has been the prosecuting attorney of various trials, and that he states that these prosecuting attorneys proceeded under the iron pressure of Lopez; that they had always at their side special inspectors, who gave them the orders upon which they were to act.

Questioned what has become of the property, both real estate and movable, of those victims; replied that he has heard that they have been seized by order of Lopez; that he cannot give the details, because he and other prosecuting attorneys were only allowed to participate in the trial of the cases, and always under the immediate direction of Lopez; that the only thing which he can state is that the money and the property which those accused persons had with them was taken away from them, and was never returned to them, or to their relatives.

Questioned concerning the tortures and the shootings of his own countrymen and women, ordered by Lopez, and ordered to state what he knows upon the subject, replied that, with very rare exceptions, Lopez has sacrificed the best and most decent portion of the population of Paraguay; that on some occasions he formalized a trial from which there resulted whatever he wished; but that, almost universally, he flogged and shot the notable persons without form of trial; that out of his own family he shot his brother Benigno, and his two brothers-in-law, Barrios and Bedoya; and, finally, that this monster is exterminating, or would have exterminated, all the inhabitants of Paraguay if he had time to do it; that he has notes, and, if called upon again to give a statement, he can give a detailed specification of the facts, whose bloody cruelty will appal.

At this stage of the examination it was determined to suspend this deposition, with the charge of following it up later if it should be necessary. Having read the statement to the deponent, he confirmed and ratified it, and signed it with myself.

MATIAS GOYBURÚ.

AUGUSTIN MARIÑO, *Secretary.*

Testimony of Vice-Admiral D. D. Porter, U. S. N.

WASHINGTON, D. C., November 23, 1869.

Vice-Admiral D. D. PORTER sworn and examined.

By MR. SWANN:

Question. Please state what is the practice of the Navy Department in regard to giving instructions to officers in command of squadrons abroad; whether or not a naval officer in charge of an important station like Brazil is furnished with instructions from the Navy Department when he is sent out there.—Answer. They most always go with special instructions from the Secretary of the Navy, and when special instructions are not given them the officers whom they relieve are directed to turn over to them the instructions they have heretofore received, and they are to be governed by those instructions. That is the custom in all cases.

Q. Where an admiral goes out in that way, and unforeseen contingencies arise which make it necessary for him to act upon his own judgment, is he authorized by the department to exercise his best judgment in any course that he may think it necessary to pursue, or is he to defer to the opinion or wishes of the diplomatic agent of the government at the station where he may be?—A. I think the instructions require an officer to refer all cases, where there is any doubt as to what action he should take, to the head of the department, and not to take any action himself that may jeopardize the peace of the nation.

Q. They are not authorized to break a blockade, or force the military lines?—A. No, sir; not without specific instructions, and we have rules and regulations which state how an officer shall act in cases of that kind. They are called the "Regulations of the Navy," and I will furnish the committee with a copy of them. The new regulations, which have been or are about being issued, direct that an officer in command of a squadron, when called upon by a minister abroad to do anything that might involve the peace of the nation, may disregard any such advice, and is not to be governed by it unless he has instructions from his department. The officers are not encouraged to take such action, but, on the contrary, to avoid it as much as possible. The old instructions are not very full on that point, but instructions have been given to officers to refer all such matters to the Navy Department, and from that department they are taken to the State Department. We look upon it that a minister is sent abroad to pre-

serve peace, and not to make war; and naval officers, having so much intercourse with the world, consider that they are, perhaps, as well informed about diplomatic matters as persons who have just entered upon their diplomatic duties for the first time. Now in England it is different. There persons are educated for the diplomatic profession, and a British naval officer, in many cases, is put under the orders of the minister. But in case we had any difficulty with a foreign power the Navy Department would instruct the admiral at that point to co-operate with the minister in that particular case, but in no other case.

Q. How has that system worked heretofore? Do you know of any serious collision having occurred in consequence of it, between the naval commanders and the diplomatic agents of the government?—A. I do not recollect any having occurred except this present case in Paraguay.

Q. I understand you to say that in the event of a collision or a difference of opinion between the diplomatic agent and the naval officer, under these instructions the naval officer is allowed a wise discretion?—A. He is to exercise his own judgment; responsible, of course, to the head of his department. If he were to follow the advice of a minister or consul, and involve the country in a difficulty, he would be held responsible and be tried by court-martial; the plea of their having advised him to take such a course would not relieve him from his responsibility. If I was in command of a squadron I should look to the head of the department for instructions upon all doubtful points. If ministers abroad and admirals were allowed to put their heads together and involve the country in a war, we might be in wars all the time. But the Navy and State Departments have wisely kept these matters in their own hands, and under their control. The Navy Department is naturally subject to the State Department, for the Secretary of State is always supposed to be acting under direct orders from the President. When the Secretary of State wants anything done by the Navy Department, it is not necessary for him to say, "It is by order of the President," but it is done instantly. If he says, "I want a vessel in New York at a certain time for a certain purpose," it is done without further question. This has been done within the last ten days. The Secretary of State says: "I want a ship at a certain time; can it be got ready?" "Yes,"—or two or three ships, as the case may be. It is tendered to him at once. It is supposed to be an order from the President; therefore every order that the Navy Department gives an officer of the navy abroad is supposed to emanate from the State Department. Now, when Admiral Poor went down to Havana to take command of the squadron there, he did not get the views of the Navy Department, but he went to the State Department, and there received the views of the Secretary of State; and when he came back to the Navy Department his orders were written out. I wrote them out myself, exactly how he was to act in all this matter, and he is not called upon in any case to co-operate with the consul in Cuba, who has partly ministerial powers, and this is so in all cases. That is about as good an idea as I can give you.

By Mr. WILKINSON:

Q. Suppose an accredited minister of the United States, acting under instructions from the State Department, should call upon an admiral in command of a squadron to aid him in the discharge of a certain duty in relation to which the instructions of the Navy Department to the admiral were silent; what would be his duty?—A. He could not do it unless the Secretary of State sent those instructions through the Secretary of the Navy. Here is a case in point. The President directed that all those persons who had gone from the South, after the war, into Brazil, and were there in a destitute condition, should be sent home by vessels of war. The Secretary of State transmitted that order to the Secretary of the Navy, and the thing was done, except in one instance, where an officer declined taking these men on board his vessel at the request of the minister or consul, as he had received no instructions from the admiral commanding; and the department held him blameless because the instructions had not been sent to him.

Q. Where a squadron is stationed near a foreign court at which we have an accredited minister, is the officer in command intrusted with any diplomatic powers?—A. None whatever. He cannot have any diplomatic powers except by express authority from the Navy Department or the President. The only authority given to a naval officer is authority to exercise consular powers in the absence of a consul; not diplomatic powers.

Q. What is the purpose intended by keeping our squadron at Rio, for instance, on the La Plata?—A. For the protection of American citizens and sailors more for moral effect than anything else I suppose, and to have some object for keeping the navy up.

Q. Suppose a minister calls upon the navy to protect the rights of an American citizen who had been wrongfully imprisoned?—A. Well, the admiral would have to be the judge of the matter. He would have to exercise his judgment, because if he did anything to involve the country in a war he would have to take the responsibility and might be punished for it. He would have to get some instructions from the Navy Department. The admiral would probably argue this way: "Well, this thing can-

not be hurt by a little delay, and by being premature I may commit some rash act and involve the country in a war, and they will not thank me for that, for people never thank anybody for getting them into a war." I think soldiers and sailors know pretty much what the result of wars are, and are less apt to run into them than other people.

By Mr. SWANN:

Q. I understand you to say, from your recollection, that this system has worked well heretofore—that is, the independent relations of these officers; and that you do not know or cannot recall any difficulty of a serious character arising from it, except in this case?—A. This is the only case that I recollect where any serious trouble has arisen. I have myself been at a great many stations where ministers have resided, and I never knew any of them attempt to exercise any authority over a squadron or the admiral commanding the squadron who had instructions from his department. And there is less reason for any misunderstanding between them now than formerly, since the establishment of mail steamers throughout the world and the increased facilities for communication by mail or telegraph. We now can hear from Brazil in twenty days, and a reply can be received in forty days. And I think an officer would prefer waiting much longer than that, rather than run any risk in involving the country in a war.

Q. Do you know whether Admiral Godon went out there with these general instructions such as you say the Navy Department usually gives officers in command of squadrons?—A. I suppose so; and to receive from his predecessor his previous instructions, and to conform to the general orders given to commanders, the rules and regulations of the navy. He was not sent out there for any special purpose other than to afford protection to American citizens, and to show the flag at various points.

Q. Are you acquainted with Admiral Godon's official record?—A. Very well; I have known him ever since I was a boy.

Q. What is his standing in the navy?—A. His standing is very high as an officer—as an able man. He is a great talker. He is really one of the cleverest men in the navy—I mean professionally and in point of intelligence. He is also well read in the law.

Q. You consider him an efficient officer?—A. Yes, sir; in every way, and as efficient in diplomatic duties as perhaps any officer in the navy.

Q. It was stated by General Webb that there was a rumor—I think he said—in the squadron, that Admiral Godon had a softening of the brain. He did not indicate any specific act which induced him to believe that report, still he did believe it, he says. I want to know from you whether there has been anything in his official relations with the department, or within your knowledge, that induces you to believe that the admiral has lost his balance?—A. No, nothing at all; nothing in the department. I have had a good deal to do with him in the last six months. He was under my command in the North Atlantic Squadron during the operations on that coast, and he was one of the most efficient officers I had. He is now in charge of this Spanish gunboat business. We put the matter under his special charge because of his intelligence, and because we thought him well calculated for that duty. The Secretary of State said he was worried about the matter and I told him he need not feel so about it; that we had great confidence in Godon, and that he would act according to his best judgment, and would see that the gunboats didn't get away. He said the President considered it a matter of great importance. "Well," said I, "so do I, and therefore leave it to Godon, because I have great confidence in his judgment;" and we haven't said a word to him since about it. He appears flighty, and yet he is a man of a great deal of mind—I expect as much as any man in the navy.

Q. Do you know whether or not, upon his return from Rio, the Navy Department approved of his conduct and sustained him in his action?—A. I am quite satisfied it did and the State Department also. And since then he has been detailed for this delicate duty, and put in command of one of our most important navy yards. That doesn't look as if he had softening of the brain.

Q. Do you know Admiral Davis?—A. Very well.

Q. What has been his record?—A. He is a very fine officer. He has commanded one of our largest squadrons, that of Brazil. He commanded very handsomely during the war on the Mississippi, and was promoted to the grade of rear-admiral for his gallantry during the war. He is a man of fine education and scientific attainments, and, professionally, I expect he is up to any officer in the navy.

Q. What is his present duty and position?—A. About the time he came home, the President had become very much interested in the subject of a ship-canal across the isthmus of Panama, and as Admiral Davis had given a great deal of attention to that subject, he was put on duty to get the information the government wanted. He is now engaged in getting up that information, and we are about fitting out a vessel to go there and commence the surveys; and it is on the information of Admiral Davis that the department will act. This shows the confidence the department has in him as an experienced officer and a man of intelligence. He is a man of more than ordinary

attainments. He is connected with a good many scientific colleges in the United States. He has been in charge of our Naval Observatory and Nautical Almanac. He has always been an important man on the coast survey, and the best description of the coast survey ever published was written by him.

Q. Do you know whether his conduct in Paraguay was approved by your department?—A. I think that is the feeling there. We are all satisfied he was perfectly right. Mr. Washburn, when he came home, read me some papers and said that Admiral Davis should be ordered home immediately; but I told him I did not know what the Secretary's views were on the subject. Mr. Borie was out of town at the time, and he asked me if I would repeat what he had said. Well, I didn't tell Mr. Borie what my opinions were on the subject; but he read the paper, looked it over, and said, "It strikes me that it is very singular that an officer should be recalled in this way without hearing his side of the case." He asked me then about Admiral Davis, and I told him all I knew of this case, and that I felt satisfied whatever he had done was done from the best of motives. I got a letter from him afterward, stating exactly all that occurred there. He didn't know then that the ship would be ordered home, and she was not ordered home for the purpose of bringing him before this committee—they had not asked for it at that time—but in consequence of the law of Congress which prevents our sending a ship out to relieve another vessel until that vessel has reached home.

Q. He was not recalled?—A. No, because the department felt that throughout this matter he had carried out his instructions thoroughly, and had perhaps prevented involving this country in a war with Paraguay. We felt that if we had a war with Paraguay that notwithstanding our ten guns to their one, we should come out of it very much humiliated; because we would be in pretty much the same condition as Brazil is now—chasing Lopez forever and never catching him. We sent an expedition out there some years ago, and if the Paraguayans had been at all combative they would have whipped it all to pieces.

By Mr. WILKINSON: .

Q. Do you think it would be a cause of war for an American admiral to demand the right of going through a blockade established by a nation with whom we are at peace, for the purpose of conveying a minister to his post of duty; as, for instance, take this Paraguayan case, where our government had friendly relations with both parties, the allies and Paraguay?—A. No. I think the admiral would have the right to demand.

By Mr. ORTH:

Q. But if the demand was refused?—A. Then I should go, anyhow.

By Mr. SWANN:

Q. Being responsible to the head of your department?—A. Yes sir. It must be, however, for some good reason. If I had a minister on board and was ordered to take the minister to that place, I would take him there and obey my orders.

By Mr. ORTH:

Q. What would you do in the absence of any express orders?—A. I should go. That is the courtesy always extended to a minister. When a vessel goes up that way it is not even necessary for the commanding officer to give his word of honor not to give or receive information on either side; because no honorable man would repeat anything that he heard or tell what he saw, nor permit his crew to. He would not allow his crew to have any communication with the shore, so that they could obtain no information detrimental to the other party. If he did allow them, he would be responsible to his government. That ought always to be his rule of conduct. During the war, whenever an English vessel wanted to communicate with their representative in the confederacy, they were never refused permission. I think they could have demanded to go. They always asked permission, and it was never refused, and they frequently went on very foolish errands.

By Mr. SWANN:

Q. Suppose you knew that by breaking a blockade it would be viewed and treated as a *casus belli*; suppose you had the minister on board going to Asuncion, his place of destination, would you have broken that blockade upon your own responsibility without specific instructions from your government?—A. Not where I thought it was a *casus belli*. I do not regard that as a *casus belli*. If I had said, "I shall have to go up; I am bound by my instructions to go;" if they fired into me, they would be the aggressors, not I.

By Mr. ORTH:

Q. If you had been in command of the South Atlantic squadron and Minister Washburn had applied to you to transport him to Asuncion—to the court to which he was accredited—would you have furnished such transportation and taken him through what the allies called their blockade of the Parana River, whether they protested or not

against the act?—A. Well, that requires some consideration. I should take time to deliberate over it, and I should look into the necessity of Mr. Washburn's going. If it was a case of necessity, and there were sufficient instructions from the government or department to guide me, I should do so. But I would not do it on the minister's request simply, if I thought it was going to involve the country in a war.

Q. Suppose, however, the minister showed you instructions from the State Department ordering him to his post of duty; would you regard that as sufficient?—A. No, I would not, unless there was some very important reason assigned; then I might do it.

Q. Do you believe that the allies had the right to draw military lines and refuse to the United States the privilege of sending their minister through those lines to his destination?—A. They had the right, because they had the force; but I do not think it was an act of courtesy. I think it is showing a want of courtesy to prevent a minister or consul going to a foreign country under those circumstances.

Q. Then, if you had a force superior to theirs you would go through, claiming the right to do so?—A. Well, I think nations have generally done that, because these people, if you had the larger force, would hardly risk having their army and navy destroyed on a point of etiquette. But when the opposing party has the greatest power, an officer has to be very careful in a case of that kind, and to consider and look at his instructions. You must recollect that the "Wasp" had but one gun, and it seems like a piece of presumption for a little blockade-runner to present herself before a large fleet and demand a passage, with nothing to back her.

Q. In this case, Uruguay, Paraguay, the Argentine Republic, and Brazil, were all at peace with the United States. We desired to send our minister to Asuncion. The allies said "No, you cannot go through, because, if you do, you will interfere with our blockade." Of course you do not acknowledge their right to prevent our minister going there?—A. No, I think they ought to have allowed it; I think it was a want of courtesy on their part, and it is very unusual. I have seen a great deal of blockade in my life, and of various kinds. I have seen it in the Archipelago, and in that same river, in Mexico, and upon our own coast, and I have a pretty good idea of what it is.

By Mr. SWANN:

Q. Still, you state that in all probability you would have disregarded that claim, or the right which they claimed to interpose obstacles in your way, and would have been governed by your position there and the strength you had to back you?—A. Unless I had the force, I would not have attempted to break the blockade; because all I should have got for my pains would have been a severe whipping, and my government might have tried me for it by court-martial; though if I had been successful they might support me. I do not think, however, that the government would support any man who would attempt to break a blockade with a very small force.

By Mr. WILKINSON:

Q. Suppose application had been made to the allies for permission to take Mr. Washburn up to Asuncion, and they had refused permission, and that refusal had been reported to the Secretary of State, and the Secretary of State had returned the answer to our minister at Brazil that it was an unfriendly act, and for him to repeat the demand to go through; and that in that event the admiral had been applied to for aid; what was his duty in that case?—A. He could not do anything without instructions from the Secretary of the Navy. The Secretary of State, in such a case as you have cited, would have applied to the Secretary of the Navy to give instructions, by order of the President. To act under these circumstances, would be to make war; and as there had been sufficient time for the government to be notified of these difficulties, it would be presumed that at the same time the minister was ordered to repeat his demand there would be opportunities of sending orders to the commander of the squadron; and I do not think the Secretary of State would expect an officer under those circumstances to force the minister through the lines without orders from the Secretary of the Navy.

Q. That being the case, don't you think it would be wise to have some system adopted by which there should be unity of action, in cases of this kind, between the different departments of the government?—A. No; I think it had better be left in the hands of the government. I do not think the government would like to give up their authority either, because then we would put the act of making war in the hands of the admiral and the minister, a thing which at present Congress keeps in its own hands. I think if I had been the admiral under these circumstances, as the matter had gone so far it would not do any harm to wait a little longer, I would have written to the Navy Department for specific instructions. If any difficulty grew out of my action, the whole responsibility would come upon me. The minister has no responsibility in the matter; it is the man who orders the gun to be fired.

Q. The minister is the mouth-piece of the State Department?—A. Yes; but he does not deliver any orders from the Navy Department. The Secretary of State cannot issue any order to a naval officer, unless it comes through the Secretary of the Navy.

Q. I want to ask you, then, whether our diplomatic officers can gain any assistance from our navy at foreign stations, upon application under instructions of the Secretary of State, or whether they must wait six months or a year to get news from home?—A. Nine times out of ten there is no difficulty in obtaining assistance; but in a case where there is danger of involving the country in a war, there would be a disagreement, because a naval officer has to be very careful how he acts.

Q. Suppose that upon such application, the commanding officer should detail a vessel for the purpose, and that vessel went up as far as it could, and then asked permission to go through, and it was refused; of course, a small vessel like the *Wasp* would not commence a fight there, but would go back?—A. Yes, sir; go back and report the circumstances to the department.

Q. Now, don't you think it would be the admiral's duty to make the attempt to go through, to go up there and ask permission to go through?—A. Yes, sir; that I think is his duty. Then the responsibility of the refusal rests upon the opposing party.

By Mr. SWANN:

Q. And then, in all probability, the Secretary of State would confer with the Navy Department, and the Secretary of the Navy would order a squadron sufficient to force the lines, in case it was deemed advisable?—A. Yes, sir; a naval officer is a mere machine after all, not to act on his own responsibility, as an army officer is. It would not do for the Secretary of State to issue an order to an officer in the army any more than to an officer in the navy; and the fact of a minister's merely passing the word to an officer of the navy is no authority for him to act, any more than it would be for an officer of the army. It is a very small thing that is required in such a case. The Secretary of State has only to write to the Secretary of the Navy, and say, "Please give the following instructions to the officer in command of such a squadron," and it is done.

By Mr. ORTH:

Q. So, in your judgment, you do not think any legislation is required on this subject?—A. I do not think any legislation required. It works well now, and a change might make many difficulties. I think it is a good plan to let well enough alone.

By Mr. WILKINSON:

Q. Do you think our government as efficient in protecting its citizens abroad as the English government is, for instance?—A. I think American citizens abroad receive good protection from their government, but our government does not go at it as vigorously as the English government. We have more friends among other nations than the English have. Our naval officers conciliate them, and we stand better with them abroad than any nation on the face of the earth, from the simple fact that we mind our own business, and do not meddle with their affairs. Whenever any complaint is made by an American citizen, our consul, or the naval officer performing consular duties, calls on the government and requests that the injustice be abated, and it is always done. We have interfered frequently in the case of British and French subjects, and have always been successful in getting them out of their troubles. I think our citizens abroad get as much protection as those of any nation; the only trouble is, we have but forty-odd vessels in commission, mounting about two hundred guns, to do all our police duty all over the world. That is, we have got one gun-boat of six hundred tons to protect every sixty thousand tons of our commerce—in that ratio; while the British government has three hundred and seventy-odd vessels in commission at this present time, and the French three hundred and sixty-nine thousand tons; I do not know how many vessels. They are able to give much better protection than we, because of their superior number of vessels. The British and the French also give as much protection to Americans abroad as we do.

By Mr. SWANN:

Q. But you do not think we are suffering to the extent that it would require a larger number of vessels in commission to give the necessary protection?—A. No, sir; not at all. We have had but three complaints from the State Department this year. Some missionaries on the South Pacific Islands applied for protection, and a gun-boat was sent there. We do not find that there is any lack of protection, and I think this is as much in courtesy to our flag as fear of our force.

By Mr. ORTH:

Q. What is the annual expense of keeping a first-rate man-of-war in commission?—A. We do not keep a first-rate man-of-war in commission. Suppose you say an ordinary; well, it costs about \$150,000 a year.

Q. For instance, take the *Guerriere*.—A. She costs, properly managed, about \$150,000 a year, including officers' and men's pay, and everything; and if they do not burn coal, each vessel saves \$100,000 a year.

Q. If she used coal, the expense would be \$250,000 a year?—A. Yes, sir.

By Mr. SWANN:

Q. Are you acquainted with Captain Ramsay?—A. I am. He was under my command during the whole war.

Q. What is your estimate of him as an officer?—A. It is very high. He is one of the cleverest young officers in the navy; a brave and gallant man. He has been in a good many fights under my direction and orders, and is a man of more than ordinary intelligence.

Q. In what capacity did he serve with you in the South?—A. First in command of a vessel, and then in command of a division of twenty-five or thirty vessels.

Q. You have always looked upon him as a reliable and intelligent officer?—A. Yes, sir; he has that reputation in the navy and out of it.

Q. Do you know Surgeon Duvall?—A. I do.

Q. What is his standing in the navy?—A. Well, it is very hard to say. I have known him a long while, and never knew anything against him. Personally we have always been the best of friends, and on several occasions I have fought his battles for him; but latterly he seems to have got into bad odor in the navy. I do not know really whether all the things I have heard about him are true or not. He was tried by court-martial, when Commodore Owen commanded the Ironsides during the war, for bringing improper charges against his commander-in-chief, and it was said that he kept a book of notes detailing the conversations of officers. Those were the charges. He was tried and sentenced to be reprimanded and punished in some other way; but the sentence was never carried out. Whether he deserved it or not I do not know. I tried to get hold of the papers not long ago to see what the case was, so as to keep myself informed in the department; but the papers had been abstracted, and I could not find out the merits of the case, and nobody seemed to know anything about it. All I know about it is from hearsay. He came to the department some time ago when he came home, and there was a difficulty between Admiral Davis and himself, and I thought the best plan was to recommend the Secretary to hush it up; and as Doctor Duvall withdrew a very offensive letter he wrote about the admiral, we gave him a hospital, and he is there now, quiet and happy. I do not know anything more about him than that. I have heard a good deal, but do not think it is worth repeating. Personally my relations with him have been pleasant, and he seems to be a harmless man; but these stories got around about him, and everybody agrees on one point—that is, about his creating difficulties.

By Mr. ORTH:

Q. You say the conduct of Admiral Davis, in going to the relief of Bliss and Masterman, has been approved by the Navy Department?—A. Yes, sir.

Q. Was that since your connection with the department?—A. Yes, sir. It came before Secretary Berie, and he said he could not see anything to disapprove of.

Q. Did you ever see the correspondence between Admiral Davis and Lopez?—A. No, sir; the only thing I have read in relation to this matter is the papers of Bliss and Masterman, given to me by Mr. Washburn.

Q. You have not read the official correspondence?—A. No, sir.

Q. I will call your attention to the letter of Admiral Davis to Lopez, dated December 3, 1868. Will you please read it?—A. I have seen that before.

Q. Do you regard that as a proper position for the admiral to take under the circumstances?—A. That letter, from all I can hear, does not exactly explain all the circumstances. I got that impression from the officers who were there at the time. Admiral Davis had an idea that the lives of these men were in danger, and his idea was to save them if possible. I suppose that is the reason. I do not think that is the letter I would write myself on an occasion of that kind. That letter contains a demand for the unconditional surrender of these men. If they had refused to deliver them, Admiral Davis must have made war; but he had no intention of making war with the Wasp.

Q. The next letter that Admiral Davis wrote to Lopez is dated December 4, 1868. Please read it.

(The witness read the letter referred to as published in Ex. Doc. 79, H. R., fortieth Congress, third session.)

A. I would not consider that a demand but a request.

Q. The admiral says in his testimony that he anticipated the instructions of the Navy Department. Do you recollect those instructions?—A. I do not.

Q. After writing that first letter the admiral had a personal interview with Lopez, and after that personal interview this second letter was written. Thereupon Lopez, through his minister, sends to the admiral the following letter.

(Letter of Palacios to Davis, dated December 5, 1868, as published in same document, shown witness.)

Q. To which Admiral Davis replied as follows:

(Letter of Davis to Lopez, dated December 5, 1868, as published in same document, shown to and read by witness.)

A. I understand from that that he takes these men unconditionally. He did not refuse, but he says it is not his business to offer terms; so I do not see how he can compromise himself there. He also leaves it to the government of Paraguay to explain to our government the condition on which they held these prisoners.

Q. What do you regard as being the duty of a naval officer who is sent to a foreign nation to demand the release of two persons who are imprisoned by that nation, those persons having been members of the American legation; do you regard it as his duty to make an absolute demand for an unconditional release?—A. If he is so instructed he must do it.

Q. In this case, though, Admiral Davis said he anticipated the instructions of the Navy Department in going up there to demand their release. Would you have regarded any naval officer as being justified in entering into terms with regard to their surrender, such as are foreshadowed in this correspondence?—A. Well, it depends upon whether he wants to save the lives of these people or not. From what I have heard of the character of Lopez I should suppose Admiral Davis was justified in getting possession of these men upon almost any terms. That seems to have been his object, to save their lives, because they were under the impression that Lopez would not hesitate to hang them; therefore he did not care so much about the terms, but left the government to settle that afterward.

Q. You would then excuse the naval officer up to the point of his getting these men on board of his vessel?—A. Yes, sir; I would excuse the officer in a case of humanity being a little civil, when it does no harm.

Q. How, then, would you treat these men after they had reached your vessel and were beyond the power of Lopez?—A. I should treat them kindly.

Q. Would you consider them as prisoners of war?—A. Well, that depends upon the terms upon which I had accepted them. That depends upon what these men had really done. They might be murderers, but I would try to save their lives, or criminals, and I would try to save their lives.

Q. After saving their lives would you continue to hold them under surveillance?—A. Nothing more than to keep them from going on shore. I would treat them kindly in every way. I do not see the necessity for anything else.

Q. If you had been in command of the Wasp the night these men were brought there would you have ordered them under charge of an officer?—A. If they were state prisoners I might have done so.

Q. Would you have received them as state prisoners?—A. When a man sees himself in a condition to save their lives, if he went away from there after having had it in his power to get them, upon any terms, and they should afterward be hung, he would be in a bad way.

Q. But after you had saved their lives, after you had got them on board your vessel, would you, out of any respect to Lopez, treat them as prisoners?—A. That would depend upon what promise I had made to him. If I made a promise to him I would conform to it. The whole act, as I understand it, was to save these men's lives, and he pledges himself here to deliver them to the government of the United States as prisoners, to be treated by the government. Under these circumstances he is responsible that these men are delivered to the government, as he has pledged his word.

Q. If you, then, had made a pledge to Lopez that you would receive these men as prisoners of war, to hold them as such and deliver them to the United States government, would you have brought them home or discharged them at Rio?—A. I should have brought them home. I should have done exactly what I promised to do, but treated them kindly. I do not see any necessity for harshness, but I should look out and see they were reported to the government.

Q. Suppose you were instructed by the Navy Department to go to Lopez and demand the surrender of two members of the American legation, would you under any circumstances, except simply for the salvation of their lives, receive them as criminals?—A. No, I would not.

Q. Then having received them as criminals simply for that purpose, would you for one moment treat them as criminals after they were in your power?—A. I would not treat them as criminals. If I had taken them to save their lives, I would treat them with every kindness.

Q. Suppose you found it necessary to make a promise to Lopez, in order to get possession of them and save their lives, regarding him as an outlaw, would you hold any faith with such a man as that?—A. Yes; that would not justify me in telling a falsehood. As I had made a promise to him I would keep it. Besides, these men ought to be satisfied to submit to some inconvenience for the sake of having their lives saved, and it might happen that this kind of a thing would occur again, and he would say, "You failed to keep faith with me last time, and I will not trust you again." Therefore, whatever my promise was I should religiously keep it.

By Mr. WILKINSON :

Q. Where there was a controversy between the American minister and a represent-

ative of a foreign government, as in this case between Mr. Washburn and Lopez, and Lopez wished to furnish proof against him by the admissions of prisoners, would you aid him in furnishing such proof?—A. No, sir; and I would not accept it, either.

Q. Admiral Davis, at the request of Lopez, as it appears in evidence, sent Captain Ramsay and Captain Kirkland into the country where these men were imprisoned, to listen to their confessions against Mr. Washburn, and for no other purpose. Would you have done that?—A. Well, that was a part of the policy to save these men's lives, which is the idea I have in my mind. I have heard the officers say they were willing, to amuse Lopez for the purpose of saving these men's lives, and I suppose it was the only way they could do it. It is a common thing for us abroad when sailors are arrested—for men belonging to ships are amenable to the laws of a foreign country while they are there—for our officers to go to the courts and listen to the evidence, for the purpose of satisfying themselves about the case; and I suppose Bliss and Masterman would be amenable to the laws there.

Q. You do not understand that members of a legation are subject to the laws of a foreign country?—A. No, sir; I do not understand that. They were not amenable.

By Mr. ORTH:

Q. Then knowing the character of these persons, and that they were not amenable to the civil or other laws of Paraguay, which is an established fact, would you have consented to receive charges and evidence against them, and against Mr. Washburn from Lopez, and brought it home and lodged it in the State Department?—A. I think I would not have objected to sending the officers up for the purpose of saving these men's lives; but I should not have cared about taking any further notice of the charges.

Q. When received on board, knowing they had been arrested as members of Mr. Washburn's legation, would you have placed them under any surveillance whatever on board your vessel?—A. Yes, I would regard my promise, and keep faith with them. I look upon Lopez, however, as a kind of savage. That is my idea of him, and also of the people of that country. You can hardly be said to be dealing with civilized people, and, therefore, that is the excuse in this case.

Q. Suppose you had made that promise to a civilized and enlightened nation?—A. I would keep it under all circumstances.

Q. Would you keep a promise extorted from you?—A. Yes, I would. I would have no right to make it unless I intended to keep it, unless it would do harm, and nothing but personal inconvenience came out of this, that I know of.

By Mr. WILKINSON:

Q. Doesn't it do harm where the news is spread abroad that the American flag had been dishonored and insulted, and members of the American legation taken from under the protection of the flag, for an American man-of-war to come down with these men, and run through the Argentine Confederation up to Brazil, and have an American admiral holding these men as prisoners on board his vessel?—A. I do not know whether the other parties knew anything about it. But it would do more harm to have it said that an American admiral had pledged his word and then broken it.

Q. Do you think an American admiral ought to have made such a promise, even to save the lives of these two men?—A. Yes, I do. I would stretch a little to save a man's life. A man would not be justified on a little matter of conscience of that kind to allow foreigners or American citizens to have their throats cut, merely because he didn't want to tell a story.

Q. Suppose Mr. Washburn had been arrested, and been rescued in the same way, and you had been in command there, would you have brought him down in the same way?—A. I should have asked Mr. Washburn what he would like to do. If Mr. Washburn wanted to risk his life, he could say himself what terms he would save it on; and if he advised me not to receive him except unconditionally, I would do so; but, if he left it to me to save his life, I would get him out and settle that matter afterward.

Testimony of William Hunter.

WASHINGTON, November 25, 1869.

WILLIAM HUNTER, Second Assistant Secretary of State, sworn and examined.

By Mr. ORTH:

Question. How long have you been connected with the State Department?—Answer. Forty-one years.

Q. You have heard the testimony of Admiral Porter with regard to questions of conflict between the naval officers and the representatives of the government in the diplomatic service. Please state to the committee what you know of such conflicts

having arisen since your connection with the State Department.—A. There have been numerous occasions where they have or might have arisen if they had not been overruled by the Department of State. Under our government, the President, being the commander of both the army and the navy, gives his orders to the navy through the Secretary of the Navy, and no diplomatic representative is supposed or allowed to have any control over a naval officer, without specific instructions from the Navy Department, at the request of the Secretary of State, authorized by the President to make that request or to direct it.

Q. Has the State Department ever found an unwillingness on the part of the Navy Department to accede to their wishes?—A. Never. In matters of sufficient importance to induce the State Department to make requisitions on the Navy, they are always considered imperative. The Secretary of the Navy would never refuse to give an order requested by the Secretary of State, by direction of the President. Our diplomatic agents going abroad, knowing that under our system of government the civil department has theoretically the control of the military and naval departments, think it very hard, especially in these remote countries, that the naval officers will not take their advice, at least; but the naval officers are men, generally, who have been abroad a great deal, and, as a matter of necessity, they have studied, generally, the questions that will arise, and their natural sense of acuteness is sharpened by a sense of responsibility, and they are right in not assuming any responsibility except when they are authorized by the President through the Secretary of the Navy to do so.

Q. Do you recollect of any instance in which the Secretary of State has given orders to naval officers except through the intervention of the Secretary of the Navy?—A. No, sir; he has no right to do it. The President would not allow it. No Secretary of the Navy could hold his commission for a day if that were done.

Q. Do you know of any instance in the records of the State Department where a minister has complained to the State Department of want of co-operation on the part of the navy, aside from this case now under consideration?—A. I cannot say that I know of any such instance. There may have been allusions made, but no formal complaints.

Q. From your knowledge of the operations of the State Department in this respect, do you think any further legislation is necessary?—A. I do not. I do not think any legislation whatever is necessary, provided each department discharges its own duty. When questions of great difficulty and delicacy occur abroad in which the co-operation of the navy may become necessary, they should be considered very deliberately. They are generally considered here in Cabinet, and if the co-operation of the navy is determined upon, it is with the understanding of the entire administration.

Q. Do you know of any instance in which the Secretary of the Navy has ever refused to comply with a request of the State Department?—A. No, sir; I do not know that I do. It is generally assumed that the Secretary of State in making such a request has acted under the direction of the President. I have been at Cabinet meetings myself where these things were discussed very often.

By Mr. SWANN:

Q. In all instances where instructions are given to the Secretary of the Navy, as a medium of communicating with the navy, he has acquiesced?—A. Certainly. These instructions are given by order of the President, and of course the Secretary of the Navy carries them out.

Q. General McMahon went out with specific instructions from the State Department, did he not, when he went upon his mission to Paraguay?—A. Yes, sir.

Q. Do you know whether his conduct during his connection with Paraguayan affairs was approved by the State Department?—A. I do not know that there has been anything written formally approving it. General McMahon's dispatches were intercepted, and did not in fact reach us until after his return. They have been well read and considered, but I do not know that any formal action has been taken upon them, or any formal approval addressed to him.

Q. Has objection been made to his course while there?—A. Not that I am aware of. I have no reason to believe any such objection has been made. I should have known it if it had been made in writing. I do not know what the Secretary of State might have said to him in conversation. The correspondence generally passes under my eye.

Q. Do you know the ground upon which General McMahon was recalled from his mission?—A. I do not, except upon the general idea that a minister was no longer necessary in that country. No successor has been appointed.

Q. He was not recalled in consequence of any objection made to his official course?—A. No, sir; no objection could have been made because we were unable to communicate with him. Indeed we were very anxious personally and officially to know what had become of him.

Q. What was the cause of that anxiety?—A. From the course of events in Paraguay previously, and the character of Lopez, so far as it was known to us.

By Mr. WILKINSON:

Q. What was that character, so far as the department had any information?—A. That

he was a man very apt to carry out his own opinions whatever the results might be to the individual; that he would not hesitate to take the life of anybody to carry out his purposes.

Q. Was General Webb recalled from his mission to Brazil?—A. I think he asked leave to come home, and that he then resigned his position there.

Q. Was that at the request of the department?—A. No; I do not think it was at the request of the department, but I am afraid the Brazilian government would have been very apt to have requested it.

Q. Would the department have done it at the request of the Brazilian government?—A. Certainly; they never fail to do that when so requested.

By Mr. ORTH:

Q. I notice in a letter of instructions from Mr. Seward to General McMahon, dated September 2, 1868, the following language: "You will be expected to show these instructions to Mr. Webb, to Mr. Worthington, and to the rear-admiral." What was the object of that clause in his instructions?—A. I presume the object was to give these gentlemen information in regard to the views of the government respecting Mr. McMahon's mission at that time. This is very often done in such cases. It is desirable that all the high officers of the government with whom he may come in contact may know what his instructions are.

Q. Was your department at the time of the date of this letter, September 2, 1868, in possession of information respecting the conduct of Lopez toward our minister and the arrest of two members of his legation?—A. I could not tell that without referring to the original dispatches to see when they were received.

Q. Bliss and Masterman were arrested on the 10th of September. These instructions were dated the 2d of September, so that one of the objects of the department in requesting McMahon to call upon Webb and Worthington could not have been in consequence of a knowledge of these facts. Was it not to ascertain what information they might have of Paraguayan affairs, which the department here did not have, and to take the views of these ministers?—A. Not to be governed by their views, certainly. It might have been to take their opinions and to obtain possession of such facts and information as they might have.

Q. And from these facts and opinions was he to be governed in his own course?—A. Not unless there were specific instructions to that effect. He was to act upon his own responsibility, attaching such weight and importance to these facts and opinions as they seemed to deserve.

Q. Let me ask you whether, when you received dispatches from Mr. Washburn, setting forth what had occurred at Asuncion, with regard to his own withdrawal and the arrest of two members of his legation, that fact did not enter into consideration in the recall of Mr. Washburn?—A. Not that I am aware of.

Q. Do you know of its being talked of in the State Department at any time?—A. I do not. The recall took place when Mr. E. B. Washburne was Secretary of State.

By Mr. SWANN:

Q. How long was Mr. Washburne at the head of the State Department?—A. I think not more than four or five weeks, and perhaps not that long.

Q. After he came into the State Department how long was it before McMahon was removed?—A. A very short time. It was done promptly after he entered upon his duties as Secretary of State.

DEPARTMENT OF STATE,
Washington, November 24, 1869.

SIR: I take this occasion to correct the answer which I gave to the question asked me by the committee yesterday, as to whether General McMahon's course in Paraguay had been officially approved. My reply, I believe, was, that I was not aware that it had been, and that if such approval had been given, I would be likely to know it. Having occasion this morning, however, to draw a letter acknowledging the receipt of one from the general, I thought the opportunity a suitable one to acknowledge the receipt of his official dispatches. A sentence to that effect was consequently added to the draught. When, however, I turned to the draught of our previous communications to the general, I found that under date the 2d of September last, the receipt of his dispatches was officially acknowledged, and his course was approved. The draught of this letter is in my own handwriting, and it was written by order of the Secretary of State. The fact of its having been written at all had yesterday entirely faded from my memory.

I have the honor to be, sir, your very obedient servant,

W. HUNTER,
Second Assistant Secretary.

Hon. GODLOVE S. ORTH,
Committee on Foreign Affairs, Washington.

Additional statement of Porter C. Bliss.

WASHINGTON, D. C., December 3, 1869.

Mr. PORTER C. BLISS appeared and made the following additional statement:

In reference to the statements made by General McMahon in his testimony in regard to the published list of the names of the victims of Lopez, I wish to state that his remarks refer only to the unofficial list which he saw in Buenos Ayres, and not to the original document which was captured from the carriage of Lopez on the 27th of December, 1868. General McMahon has not designated the name of a single person found in the original document who was not executed or did not die a so-called natural death as stated therein. Not a single exception has been proved in that official list, which comprises the names of five hundred and eighty-eight individuals. The two or three persons mentioned by General McMahon, such as the vice-president, Sanchez, Colonel Venancio Lopez, one of the brothers of the President, and the minister of war, Caminos, have never figured in any official list, and have only been reported in a vague manner through the newspapers of South America as having been among the victims. But in the list submitted by the State Department and in the list which is found in the pamphlet published by the government of Buenos Ayres, they are correctly given; and General McMahon has not established the case of a single exception of persons mentioned in those lists.

I wish to state further that I can give my personal testimony to the exactness of a great portion of them. The executions which took place during the three months of my imprisonment are narrated in detail in these lists, and in many cases I can remember positively that they did occur upon the dates given. My own discharge from imprisonment is mentioned with the correct date. The death of the colored servant of Mr. Washburn, who died three days after his arrest, is correctly given. The execution of Carreras and hosts of others of my friends, scattered all along from August to December, in every case are given correctly, according to the best of my recollection. I have not been able to detect any incorrectness, and consequently have every reason to believe the list is entirely correct.

In reference also to the statement of General McMahon concerning the right of asylum as exercised by Mr. Washburn, I wish to state that Mr. Washburn never exercised the right of asylum in the sense in which that expression is used by writers upon the law of nations. Mr. Washburn never exercised that right as against the Paraguayan government, unless possibly the case of Pereira might be so considered. But in all the other cases (which amount to forty) it was simply a hospitality extended to them against a possibility of suffering from the enemy. All the persons who are accused by name of being criminals, Rodriguez, Carreras, Mr. Masterman, and myself, had been residing for many months in the legation before there was any suspicion on the part of any of us of there being any charge of conspiracy. Consequently it is not a case of right of asylum.

In regard to the proposition which Mr. Washburn made at one time to send Mr. Masterman and myself as prisoners for trial to the United States, and which has been incorrectly represented in the statements of other parties, the facts are as follows: In the treatises upon international law which were accessible to Mr. Washburn and ourselves in Paraguay, which were Wheaton, Vattel, I think Puffendorf, and two or three others, it was stated, in what was to us a satisfactory manner, that the proper course to be pursued, when members of a legation in a foreign country were accused of a grave crime, was, if the head of that legation possesses himself judicial functions according to the laws of his own government, to proceed to take cognizance of the charge. If he does not possess such judicial functions, the only course he should pursue is to receive the charge, and then to assume the responsibility of sending the members of his legation to their own country, there to be tried. It has been stated before this committee that Mr. Washburn's conduct at that time betokened that we were really guilty of some offense against the Paraguayan government. I can state positively that such was not the fact. From the beginning to the end, in every note he wrote upon the subject to the Paraguayan government, Mr. Washburn strenuously argued against the possibility of our having committed any such offense. He argued that all our actions had been perfectly known to him, and that he of his own knowledge knew that we were innocent of any such crime. But as the Paraguayan government insisted over and over again upon our criminality, and made the charges more and more specific, Mr. Washburn found that as the toils were tightening around us, that the only way of escape from the dilemma would be, if Lopez—that is to say the Paraguayan government—would accept all the provisions of these international writers, Mr. Washburn was willing to proceed on that indication; that is, to waive the question of our criminality and leave it to be determined by our own government, and, in deference to the charge made by the Paraguayan government, render us prisoners in the legation and send us at the earliest opportunity to the United States. That is a correct statement of the case.

By Mr. SWANN:

Q. Have you seen a work published on Paraguay by Mr. Masterman?—A. I have.

Q. What is your estimate of the character of Mr. Masterman?—A. Mr. Masterman is an Englishman who has an exceedingly great prejudice against America and everything American. He is a man of a temper which was always getting him into a difficulty with his own countrymen and every one else in Paraguay. His excitable nature, his nervousness, and his pride are the cause of his being frequently in hot water; and when he was taken out of prison by the intervention of Mr. Washburn, he never felt any gratitude to Mr. Washburn for this service; but, although given a home in the house of Mr. Washburn, as physician to Mr. Washburn's family, his personal relations with Mr. Washburn very soon became exceedingly embarrassed. As for myself, Mr. Masterman and I have never been friends.

Q. You have seen the slurs upon Mr. Washburn and yourself in that volume?—A. Yes, sir. I will state in that respect that Mr. Masterman had no consultation with me on board the vessels of the American navy. We treated each other, during the six weeks we were on board the *Wasp* and *Guerriere*, not as friends. We had no communication with each other concerning what we had passed through, with the exception of a long conversation, lasting two or three hours, the first night we passed on board the *Wasp*, in which we, each of us, narrated some of our experiences. We never afterward had any free communication upon the subject, and this arose from Masterman himself not desiring to obtain any further information from me, and not desiring to communicate to me anything regarding himself. From the time then that we were on board the *Wasp* we were distantly polite to each other, and never had any free communication, which explains the fact that he has committed an infinite number of blunders, both in his statement of what we experienced in our imprisonment, and more particularly in what he states regarding Mr. Washburn and myself, though I do not accuse him of any deliberate intention to falsify. I do not charge him with perjury, nor do I believe him capable of such acts; but I could show, if I had the book in my hand, a large number of cases in which his memory is at fault, and in which his statements become very confused and give an exceedingly erroneous idea of the circumstances.

Q. At what time did Mr. Washburn become acquainted with his character, and want of gratitude for the service he had rendered him?—A. Very soon after. Within a very short time after his release from prison he was in the habit of cursing Washburn, with all his friends, and, in short, no great length of time passed before in my own presence Mr. Washburn and Mr. Masterman had a quarrel at table, after which they never pretended to treat each other as friends.

Q. What induced Mr. Washburn to retain him as a member of the legation after he became fully acquainted with his character, and his want of gratitude? Did he ever speak of dissolving his connection with the embassy, and getting rid of him?—A. He did. There was a time when he proposed to dismiss Mr. Masterman from the legation. But that was after the evacuation of the capital; and at that time, if Masterman had been dismissed, he would have found himself in an exceedingly difficult position. He would have been probably immediately arrested on the old grounds of dissatisfaction which the Paraguayan government had with him, and Mr. Washburn, on second thought probably concluded not to be so cruel as to do so—simply on humanitarian principles.

DEPARTMENT OF STATE,

Washington, December 30, 1869.

SIR: Referring to your letter of the 27th of October last, inclosing certain interrogatories concerning General Lopez, and affairs in Paraguay, to which answers were required, I have the honor to inclose a copy of a dispatch of the 10th instant, No. 177, from J. Lothrop Motley, esq., our minister at London, with the original answers made under oath by Dr. William Stewart to the interrogatories referred to.

I have the honor to be, sir, your obedient servant,

HAMILTON FISH.

Hon. GODLOVE S. ORTH,

Chairman of the Sub-Committee of Foreign Affairs, House of Representatives.

No. 177.]

LEGATION OF THE UNITED STATES,

London, December 10, 1869.

SIR: Referring to my No. 153, I have now the honor to transmit herewith, in conformity with the instructions contained in your No. 87, answers furnished by Dr. W. Stewart to the list of interrogatories sent to me in your above-mentioned dispatch.

Dr. Stewart having prepared these answers, appeared in person at the legation yesterday, where they were read over to him. He then made oath of their truth.

I am, sir, your obedient servant,

JOHN LOTHROP MOTLEY.

Hon. HAMILTON FISH, *Secretary of State, Washington, D. C.*

Testimony of Dr. William Stewart, late of Paraguay.

Interrogatory 1. How long were you in Paraguay?—Answer. Twelve years.

Interrogatory 2. What was your position there?—Answer. Not long after my arrival I was engaged by Lopez, at that time general and minister of war, (his father being then President of the republic,) to serve as medical officer to the Paraguayan government. Shortly afterward I was appointed chief of the medical department of the state, and subsequently surgeon-major and inspector general of hospitals.

Interrogatory 3. What were your relations with President Lopez? Answer. During the first few years they were of an intimate kind. My official position brought me into constant communication with him. I had to consult him on all matters connected with the administrative department of the medical service, and besides was his physician in ordinary. In this capacity, consulted not alone by himself, but becoming medical adviser of his father and of the whole Lopez family, I had opportunities both of hearing his opinions on leading subjects, political and other, of studying the idiosyncrasy of the man, and forming an estimate of his character. My intercourse with him made me acquainted with the more prominent personages whom he admitted to his intimacy, and with Mrs. Lynch, who was a power in Paraguay, and whose name and character are now well known both in Europe and America.

Interrogatory 4. Were you on intimate terms with Mr. Washburn?—Answer. Yes.

Interrogatory 5. What were the relations of Mr. Washburn and President Lopez previous to the war?—Answer. So far as I know, amicable. But Lopez was habitually reserved, and I should presume that he seldom, if ever, relaxed from his customary caution with Mr. Washburn more than he would with any one else, save a reasonable exception, which I shall have to notice in answering question 22. Lopez often spoke of Mr. Washburn, as he did of others, probably with the view of sounding or testing me, disparagingly. Standing in the relation in which I did to Lopez, my official position being a confidential one, I, of course, gave Mr. Washburn to understand that the less we said to one another of Lopez the more prudent, as well as honorable, the restriction we should impose on our otherwise friendly relations. As an instance of the suspicious nature of Lopez, I may mention that, with his mother's permission, which I was careful to obtain beforehand, I introduced Mr. Washburn to her, an introduction which, as it happened, gave great offense to Lopez, although the introduction did not take place until a week after I had proposed it. I have no doubt that Lopez would rather not have Mr. Washburn and his family on visiting terms. Previously to the war, the intercourse between Mr. Washburn and the President may be characterized as that customary between the representative of a foreign power and the court to which he is accredited.

Interrogatory 6. Did Lopez change in his feelings toward Mr. Washburn; if so, when, and for what cause?—Answer. Lopez not only expected the resident representatives of foreign governments to approve of his proceedings publicly, but managed to learn their sentiments by a system of domestic espionage that left no conversation of theirs unreported to him. In addition to these household spies, Mrs. Lynch played cleverly into his hands. She would start topics when entertaining or conversing with members of the diplomatic corps on which they could hardly avoid expressing some opinion or other; and whatever they said was reported by her to Lopez, with or without additions or omissions. From personal acquaintance, during my residence in Paraguay, with all representatives there from foreign countries, I know that, Mr. Washburn, of course, inclusive, they were, each and all, extremely guarded in their conversation when speaking of Lopez; yet there was not one of them who, some time or other, did not incur his displeasure; I may name Mr. Thornton, British minister; Mr. Gould, her British Majesty's secretary of legation; and, after Mr. Washburn's remonstrating with Lopez for not allowing the Brazilian minister, Vidua de Lima, to leave Paraguay in a way becoming the dignity of his official character, Mr. Washburn likewise. As respects this gentleman, however, when he succeeded in passing the blockade and returning to Paraguay in 1866, Lopez seemed to have forgotten his dissatisfaction with him, and to be on the same terms as before, although he testified disappointment at Mr. Washburn's having proceeded to Asuncion without previously presenting himself at his then headquarters. In the following year Mr. Washburn repaired thither on two occasions. The first visit to headquarters was occasioned by his undertaking a mission of peace to the allied camp at Tuyuti, his object being to mediate between Lopez and the allies. His efforts were unavailing. The Marquis de Caxias very properly declined entering into negotiations on other terms than the abdication of Lopez and his withdrawal from Paraguay. On Mr. Washburn's return to headquarters with the news of his ill-success, he demonstrated the singleness and honesty of purpose which had prompted his endeavors to secure repose for Paraguay by penning a letter to the Marquis, in which he observed that it would be as reasonable, or unreasonable, in him to propose the abdication of the Emperor of Brazil as the only basis on which he could negotiate, as for the Marquis to insist on the same stipulation with respect to Lopez. Nevertheless, the failure irritated the President, and he transferred his mortification at the disappointment it caused him to the unsuccessful

negotiator. Lopez never bore good-will to Mr. Washburn after this. The second occasion was to receive from Captain Kirkland, commanding the United States gunboat "the Wasp," dispatches from Washington. How or wherefore it happened that the latter had to wait at the camp for Mr. Washburn instead of proceeding to Asuncion, Captain Kirkland can no doubt explain, as during the eight days of his stay at headquarters he had frequent and intimate intercourse with the President. Lopez always flattered the naval commanders who were sent to Paraguay in the interest of the diplomatic service, and tried to win them over to his views. At that time Lopez boasted to his confidants that the government of the United States would interfere on behalf of Paraguay, and in corroboration of statements to this effect he one day requested me to read to his chief officers, translating as I read, into Spanish, a copy of the late General Asboth's correspondence with the government at Washington, in which the general advocates the cause of Paraguay. Lopez told us at the same time that Admiral Goden was superseded in his command on account of his showing too much sympathy for Brazil. On the occasion of this second visit of Mr. Washburn I observed that Lopez's dislike of him was more marked and undisguised than it had been before, and I told Mr. Washburn at the time that he ought to be very careful to avoid giving Lopez any cause for taking offense. Mr. Washburn and I spoke to one another about Lopez's ill-will toward him, and we both agreed in thinking that it was owing to Mr. Washburn's failure in carrying on negotiations for peace to a successful issue. His failure was the subject of conversation at headquarters for a long time, and it was a pretext for much abuse of Mr. Washburn on the part of Lopez and his confidants.

Interrogatory 7. After that, how was he acenstemed to speak of Mr. Washburn?—Answer. At table he used great freedom in his remarks upon Mr. Washburn's diplomatic capabilities, studiously leading those present, by his insidious reflections on Mr. Washburn's doings in his public capacity, and, by his (Lopez's) insinuations as to his deficiencies, regarded as a gentleman, (for Lopez affected to be a highly-bred man,) to form a false estimate of Mr. Washburn's character, and considered him underbred in his social status, and unequal to the demands of his diplomatic position. In short, Lopez tried in every way, and from every point of view, to damage Mr. Washburn's reputation.

Interrogatory 8. Did he thus speak of him publicly?—Answer. Indisputably, and, dating from the period that a correspondence commenced between Mr. Washburn and the Paraguayan minister for foreign affairs, relative to the individuals who had placed themselves under the protection of the American flag, and whom Mr. Washburn resolutely refused to give up, from this period, all around Lopez could not please him better than by vituperating and calumniating Mr. Washburn. In particular, Mrs. Lynch gave full license to her tongue. She seemed implacable in her enmity (real, or feigned to please Lopez) toward Mr. and Mrs. Washburn. She constantly spoke of both at the President's table in the most disparaging terms, and made them marks for her scorn and ridicule. It was openly asserted by her and the rest that Mr. Washburn was not only harboring and sheltering conspirators, but was himself a conspirator. In fact, as there was nothing too bad to think of him, judging from their imputations, so there was nothing too bad to say of him.

Interrogatory 9. Did you know of any other motives that influenced Lopez in his conduct towards Mr. Washburn, besides those already stated?—Answer. Yes; and notably Mr. Washburn's expression of sympathy in reply to a note from the Paraguayan minister of foreign affairs, informing him of the death of General Mitre, President of the Argentine Republic, and at the time commander-in-chief of the allied army. The report of the general's death was a canard purposely got up and spread among the troops. I must explain that General Mitre is considered to be one of the most estimable as well as distinguished men in that part of the world, and that, accordingly, Mr. Washburn was acting in conformity not alone with diplomatic etiquette, but with the courtesy and feelings of a gentleman, when he expressed his regret at the loss of one eminent as citizen, statesman, and man of letters. The Paraguayan minister forwarded Mr. Washburn's note to the President, who called together his staff, of which I was a member, read the offensive epistle and commented in strong language on the conduct of the writer. On this hint most of those summoned burst forth, he had insulted alike Paraguay and its President, (so ran their commentaries upon this communication marked by every generous sentiment,) by not only commiserating the demise of an enemy, but by daring to add to the contumelious act the praises of the deceased foe. We were severally called upon for our opinions. When my time came, I remarked that we seemed to be arguing upon erroneous assumptions, starting in fact from a wrong premise. Mr. Washburn, I observed, was the representative of a neutral power and had written in that capacity. Had he, I urged, neglected the courtesies observed by the representatives of all civilized nations, he would have rendered himself amenable to the censure of his own government, as well as sinned against his own self-respect. These observations of mine drew down upon me the coarse indignation of General Resquin, the President's chief of the staff, and doubtless were remembered against me for vengeance on a future day.

Interrogatory 10. Were you acquainted with Porter C. Bliss and George F. Masterman, while in Paraguay?—Answer. Yes.

Interrogatory 11. Have you read their memorial to Congress, and the printed testimony of Mr. Bliss, before the Committee on Foreign Affairs on the House of Representatives?—Answer. Yes.

Interrogatory 12. How far can you corroborate, from your own knowledge, the statements made by Messrs. Bliss and Masterman in their published documents?—Answer. I was an eye-witness of the horrible atrocities committed upon many hundreds of human beings who were accused of conspiracy. I saw them heavily laden with irons, and heard their cries and implorings to their torturers for mercy. I thank God that I am alive to give this testimony. Lopez knew all that was going on, for on several occasions at table he told us that Mr. so and so begged to be shot, but that Father Maiz would reply, "Have no fear for that when we have done with you we will shoot you." The medical officers who were occasionally ordered to visit the principal victims; told me how awfully cut up these were by the floggings, and asked me what would be the best treatment for their wounds. In fact, much that is related by Bliss and Masterman, I learnt at various times from Lopez himself, and from other sources of information, as for instance from Mrs. Lynch, Fathers Maiz and Roman, Major Albeiro, Juan Crisostomo Centurion, Silvero, a Corantine refugee, and from my wife, who used to get information about many things which transpired among the prisoners accused of conspiracy from Riveros, the native doctor of the ninth battalion, which kept guard over the prisoners from the commencement to the termination of the trials. From all these sources of information I derived my knowledge of the events at the time of their occurrence, and I can vouch for the general truthfulness of the statements referred to. The said Riveros used to come to me for advice, and on these occasions he would chat with Mrs. Stewart, (the more confidentially, she being a native likewise,) and give her details of many circumstances, which, I being his superior officer, he shrunk from divulging to me, but which I was sure to hear from her. For months, innocent individuals were dragged before the tribunals by order of the Paraguayan Domitian. Hundreds were brought from the provinces heavily ironed. Torture was all but indiscriminately applied; and those who survived its barbarities were put to death, as well those who denied as those who confessed themselves guilty of the crimes falsely laid to their charge. This scene of butchery went on almost daily, until December last. The shrieks of personal acquaintances writhing under the lash are still ringing in my ears, and the spectacle of their disfigured, lacerated, and rag-covered bodies stretched on the ground, unsheltered from the weather, day and night, in the most rigorous season of the year, still haunts my sight. No fewer than eight hundred persons, comprising natives of nearly every country in the civilized world, were massacred during those terrible months from June to December. I name two or three of the victims most to be pitied, perhaps, where all were to be pitied—name them in proof that I can substantiate every word I relate: Mr. William Stark, an English merchant, who had carried on business for fourteen years in Paraguay, and amassed a considerable fortune, was dragged out of a sick bed, sent in irons to Lopez's camp, and subjected as he was to every indignity, as well as suffering from dysentery, was soon released from his miseries by death. His wife and six children were turned out of their home, and if yet alive and not having fallen into the friendly hands of the allies, are probably wandering in the forests, half naked and starving, with the surviving population of weak and tender outcasts like themselves. Mr. Newman, after many months' imprisonment, and laboring under severe illness, was similarly sent to the camp, and ultimately expired under the lash. Mr. John Watts, engineer, experienced like treatment, but was shot; his crime, the having sought refuge at the United States legation.

Interrogatory 13. Is there anything contained in either of their statements that you know to be untrue or incorrect?—Answer. To the best of my belief they contain nothing untrue or incorrect. There is not a statement made by either gentleman which I would consider to be an error, either in his relation or in his appreciation of the events narrated.

Interrogatory 14. Had you any knowledge of the alleged conspiracy or attempt at revolution?—Answer. It is my firm conviction and belief that conspiracy or attempt at revolution, there was none; and this opinion is shared by many European gentlemen, long resident in Paraguay, who have escaped from Lopez during the past twelve months, as well as by Mrs. Stewart, who could hardly have failed to hear from her compatriots something of any design, had it been contemplated, since all who knew placed implicit confidence in her. Moreover, after the defeat of Lopez, and his precipitate flight on the 27th of December last, when I and many of the Paraguayans, fortunately, were captured by the allies, I took great pains to get at the truth of the matter, and made many inquiries, all of which had the same result, namely, the expression of surprise that I, who had had so many opportunities of learning the facts of the case, should think it necessary to inquire into what I must have known to be a pure myth. These Paraguayans were out of Lopez's power, and had no possible motive for concealment. One of them, Bernardo Valiente, had been employed as a clerk to take

down the evidence during the trials of the persons who had been thrown into prison by Lopez, charged with conspiring against him, and when I persisted in saying that surely Lopez must have had reason to suspect some of the prisoners, he (Valiente) then said that possibly Berges and Benigno Lopez had maintained some correspondence with Caxias, but he felt certain that none of the other accused persons were guilty of any complicity in a conspiracy or revolution. Of the rest, who, as well as Valiente, had had every means of ascertaining the truth or falsehood of the charge of conspiracy, and had no reason to fear of speaking freely now, one and all were unanimous in scouting the notion of conspiracy, and pronounced the whole, as I have said, a "myth," an air-blown bubble. My impression is, that Lopez trumped up the charge in the hope of exciting sympathy, and of turning in his favor the tide of public opinion in Europe and the United States; and he was sure that the soldiery would be much gratified by seeing all the better classes of natives and foreigners imprisoned, tortured, and executed.

Interrogatory 15. Under the system of espionage that Lopez maintained, was any such conspiracy probable?—Answer. No; but previously to the arrest of Mr. Bliss, I often heard from Lopez, (who was as anxious to establish the charge of "conspiracy" as Titus Oates was to instil belief in the reality of his "plot,") that prisoners had been confronted with an Italian named Simone Fidanza, captain of an Italian merchant ship, who had been one of the first seized on the charge of conspiracy. This man soon confessed his guilt, made a clean breast of it, as Lopez almost daily told me and others, had divulged the whole, revealed the names of the conspirators, and as they were arrested, and, on being questioned, asserted their innocence, he was brought face to face with them by way of dumbfounding them, and of proving to them that denial of the charge was vain, and, to quote the *ipsissima verba* of Lopez, the said Simone would then say, "Vd. debe confesar, todo está descubierto, y merecemos que Lopez nos colgapor el pruvier arbol;" which means, "You had best confess; all is now discovered, and we deserve that Lopez should hang us to the first tree." All this time Simone Fidanza had his wants supplied by Mrs. Lynch, and, as she told me, offered in his gratitude to become her cook. Moreover, I happened to be with Lopez two days after Bliss was thrown into prison, when the chief "torturer," Major Abeiro, came in and delivered to the President a copy of a letter written by Mr. Bliss to Mr. Washburn. The latter at this time was on board the United States gunboat Wasp, but still in Paraguayan waters. Lopez handed the letter to me. Its contents were to the effect that Mr. Washburn was the organizer of the alleged conspiracy, had drawn Mr. Bliss into it, and been the cause of all his errors and misfortunes. It was plain to me from this that he had succumbed to the torture, or to threats of torture, and submitted to tell the story best suited to humor the President. During the period of his incarceration, Lopez from time to time acquainted me and other guests, when dining with him, that Mr. Bliss continued to make most important disclosures. In short, the statements of Mr. Bliss, in his "printed testimony," given to a committee of Congress at Washington, are, I believe, a true and circumstantial narrative of all that occurred. I feel it incumbent on me to add my opinion that Bliss's life would have been in danger if Lopez had suspected that he was in reality exposing him instead of damaging Mr. Washburn, and that Lopez read to me and others present several pages of the pamphlet he published at the instance of Lopez. This was the first intimation I received of its publication, or of anything of the kind having been written. Lopez read with evident delight, and remarked, "What a clever scoundrel this Bliss is."

Interrogatory 16. Who were the principal confidants of Lopez, and what was their general character?—Answer. Luis, Caminos, Falcon, Centurion, Abeirox, Serrano, Fathers Maiz and Roman, Delvalle and Benits, from each of whom he received daily, in person, a separate report of the case intrusted to his charge. The majority were compelled to be the instruments of the cruelty of Lopez, since the sole alternative left them was obedience or death. Had they betrayed any hesitation, showed the slightest pity for the prisoners, or shrunk from wringing from them by torture the confessions or admissions that Lopez desired, they themselves would have been victims instead of victimizers. Yet there were noble instances of this self-immolation, as that of Maciel, Saguer, and others. Some of these large-hearted Paraguayans who had been members of the tribunal before which the accused were brought, braved the worst that Lopez could do rather than assist in sacrificing and butchering the innocent, and they heroically met the fate to which they sternly and righteously refused to doom others. Honor to their ashes.

Interrogatory 17. Did you consider your life in danger previous to the departure of Mr. Washburn?—Answer. Yes.

Interrogatory 18. Had Mr. Washburn been made prisoner, would it have affected your condition and that of other foreigners in Paraguay who have since escaped; if so, how?—Answer. Indisputably; our lives would have been endangered, most likely taken; and had Mr. Washburn been thrown into prison, as was at one time suggested by Mrs. Lynch, and by the late bishop of Paraguay, I am convinced that he would have been tortured and made way with like the other victims of Lopez. In this case his death

would no doubt have been attributed to natural causes or to suicide. Lopez would have set at defiance the whole power of the United States, and in all probability he would not have left one of us to tell the story of his crimes.

Interrogatory 19. Did you consider the arrival of the Wasp and the departure of Mr. Washburn as improving your chance of escape?—Answer. Certainly; the belief of us who remained in the power of Lopez was that our chances of liberation were favored by his having escaped. He would be sure to acquaint the States and the whole civilized world with the true character of the tyrant, was our thought; would unveil the mystery which had so long shrouded the acts of the President, and kept out of sight the sufferings of Paraguay. Once public opinion was directed to the subject by the evidence of an unimpeachable witness, we felt assured that public sympathy would follow, and no effort be spared to rescue us from our perilous position. Though somewhat irrelevant to the question submitted to me for reply, I think it is right to make the following avowal. While the Wasp, with Mr. Washburn on board, was waiting for the correspondence of Lopez, he asked me what I thought of his permitting Mr. Washburn to leave the country. Of course I could only reply that it was a proof of his excellency's generosity, for I myself was in daily dread of being tortured and executed. Lopez then desired me to write a letter in condemnation of the conduct of Mr. Washburn. Under date of 10th September, 1868, I wrote to my brother at Buenos Ayres, in Lopez's office and under his own supervision; he read it very attentively, and returning it, told me to give it to his secretary. When visiting headquarters on the same date, Lopez called me and showed me the letter from Mr. Bliss to Mr. Washburn. In the printed documents which I have received from the United States I find this letter, bearing date of 11th September, 1868.

Interrogatory 20. Do you know of Lopez torturing his near relatives or executing them before you left Paraguay; if so, whom, and when did it occur?—Answer. To the best of my recollection an elderly gentleman named Bojas y Aranda was the first of his relatives who underwent torture. He had been the guardian of Lopez during his minority; held the office of justice of the peace at Asuncion; and was, I believe, a cousin of the individual who had bequeathed Lopez the fortune the latter enjoyed. Connected with Lopez by such close ties, he had been accustomed to use more familiarity with him, and to converse with greater freedom than any one else was allowed or presumed to use. Early in 1867, he had come to Paso Pucu on a visit to Lopez; and I learned from Mrs. Lynch that upon his arrival he had been thrown into prison and two or three pairs of irons put on his legs because he had imprudently counselled Lopez to make peace with the allies, alleging their successes and the inability of Paraguay to cope with them. I subsequently heard that he had been liberated after a few months' imprisonment and relegated to a distant part of the country. The next relative whom Lopez seized was his brother-in-law, Don Satoriño Bedoya, who, in July, 1868, was tortured to death by the *Sepe Uruguayano*—a mode of torture correctly described in the published statements of Mr. Masterman and Mr. Bliss. I, myself, witnessed the painful sight of Lopez's two married sisters being led to prison, and was several times summoned to visit the elder professionally. She was the wife of General Barrios, who was prisoner likewise. Riveros, the Curandero, of whom I have already made mention, told Mrs. Stewart that this lady had been flogged several times, and that she had undergone this severe punishment without uttering a cry. This heroic woman, when questioned about her husband, simply said, "Ask my husband; I know nothing;" thus displaying Spartan fortitude, and the tenderest because most devoted feminine affection. I saw Lopez's two brothers, Venancio and Benigno, in irons, and heard from many witnesses of the butchery; that Benigno had been cruelly scourged and afterward executed in December, 1868. General Barrios attempted suicide after the imprisonment of his noble wife, but recovered, and was then laden with irons. I saw him, professionally, before his execution, and found him quite insane. He did not know me.

Interrogatory 21. Were you present at the interview between Lopez and Admiral Davis?—Answer. No. However, I saw Lopez on his return from the interview, when he made the uncourteous and ungentlemanly remark: "The American admiral is anything but a soldier," without assigning any reason for his opinion. He thought, I dare say, that he was raising himself by this senseless depreciation of a gallant man and able officer. Smiling and shrugging his shoulders, he asked me: "What think you of the Yankees now? We are to have a successor to Washburn." From this outburst of triumph I inferred that he had felt some alarm at the probability of a rupture with the States. All that was left to me to do or say was to smile, shrug my shoulders, in return to his smile and shrug; and seeing that he was himself so surprised, to express my astonishment likewise.

Interrogatory 22. What were the relations existing between General McMahon and President Lopez; intimate or otherwise?—Answer. This is a somewhat wide question, requiring for its complete answer various details, which, however petty in themselves, yet combined may elucidate the whole matter; and one of the most noteworthy of these relates to the will made by Lopez. I saw the will, read it, witnessed it. In this document Lopez distinctly stated that he constituted Doña Eliza A. Lynch his

heir, in requital of her long attachment to him ; and I consider it essential to add that, as respects the relation in which they stood to each other, I have frequently heard Lopez, in her presence, speak of himself, clearly, unmistakably, and pointedly, as a bachelor. General McMahon is the first person I ever knew to express a belief that Lopez and she were privately married. I was in nowise surprised to find General McMahon named in it as a trustee and executor, or that Lopez's youngest child was recommended to his especial guardianship and care, since I had understood from Mrs. Lynch that it was the general who had recommended the making of the will, and since his progress in the favor of Lopez and in the confidence of Mrs. Lynch had been as marvelous as it was rapid. The general arrived at headquarters on the 11th December, 1868, and left the camp on the 23d of the same month. He was invited to dinner by Lopez on the day of his arrival, and I met him at table. We sat opposite to each other, and I had to act as interpreter between the president and him, not on this occasion only, but on several others. The general referred to the reception Masterman and Bliss had met with from Captain Kirkland, of the Wasp. He "ordered them to be taken forward," said McMahon. I give the account in the words of the latter. "Take these men forward and give them into the custody of the master-at-arms," at which Masterman demurred, observing, "I have been lieutenant in her Britannic Majesty's service." To this Captain Kirkland retorted: "If you are ladies, and not men, say so," and they were sent forward as prisoners. The president listened with undisguised pleasure to this narrative of McMahon's, and was greatly chagrined and displeased when General McMahon put the question to me, by my corroborating Masterman's assertion that he had been an officer in our service. But that which most delighted the president was McMahon's declaring that Mr. Bliss had applied to him for an interview, and that his answer to this request of a fellow-citizen had been, that when he, McMahon, wanted to see him he would let him know. Another day Lopez requested me to interpret to McMahon a long account it was his pleasure to give of the conduct of the allies after his defeat at the Ytororo. He dwelt on the acts of rapine and violence they had committed, and emphatically on their "barbarities." Lopez understood English, but spoke it very imperfectly. Their irregularities, I said to McMahon. "Barbarities," thundered out Lopez, "I call them barbarities." Instance this little circumstance; inasmuch just as straws will show the set of the wind, so a trifle like this may recall to the memory of the general a fact which I understand he has forgotten, namely, that I interpreted between Lopez and him. Great men's memories will sometimes fail; even, as Horace tell us, Homer sometimes "nods;" or as we moderns phrase it, indulges in "forty winks," so has the general been napping. Take 11 from 23 and 12 remains; a simple arithmetical operation enough, but advancing in more than geometrical progression, when the work of months or of years is crowded into days. Lopez, the distrustful, reserved, and wary, became the reverse to the general, who, by the *suaviter in modo*, I conclude, rapidly grew into the trusted depository of the secrets, as he was made custodian of the interests of Lopez. Of Mrs. Lynch and of their children, at least, the inference, from his being the curator of the latter is, that he was privy to the former. Cæsar-like, he came, he saw, he conquered; marching off in twelve days with the *spolia opima*, his carriage bearing away, as the current report ran, boxes filled with valuables amassed by the worthy pair, Lopez and Mrs. Lynch, in the course of their amiable and now historical career.

Interrogatory 23. If you know of any other matter connected with the general subject, or in reference to the condition of Messrs. Bliss and Masterman, not already mentioned, please state it.—Answer. I beg to refer to extracts from a letter of mine to Mr. Washburn, which are given in a communication addressed by him to the editor of the New York Daily Tribune, and published in that paper on the 17th November last. They will show—indeed, every letter that I have written to him or to others, as well as every word I have spoken, having reference to Lopez, would show—that I have been consistent throughout in the opinions I have expressed on all matters and persons connected with the subject of the present inquiry. But it may be argued that letters which I addressed after I was made prisoner, one to General McMahon, and another to Lopez, inclosed therein, contradict the foregoing assertion; and I understand that they have been instanced in disapproval of it. The one to the general was an appeal to him to protect my wife and children as far as might be in his power, should the president lay heavy hands on them. That to the president detailed the circumstances of my capture and advised him to have a president elected in his place, withdraw from the country, and restore it to tranquility by taking this step, which alone could end the war, since, otherwise, the allies would drive him to extremity. Of course, I adverted to my wife and family, and wrote in terms calculated to soothe and appease him in case he should construe my being taken prisoner into premeditated flight from him, and should wreak his anger upon them. How could I have written to either otherwise? Would it have helped those dearer to me than all the world besides, to have told McMahon that I suspected him to be anything rather than what the minister of any State, much more of a powerful republic, ought to be, or to have reviled Lopez as murderer and monster, and dared him to do his worst? To bring these letters forward by way

of impugning my testimony is preposterous. They are the exceptions which prove the rule.

Mention, however, of these letters, leads me to relate a circumstance which has a direct bearing on General McMahon's veracity. Mr. Washburn and I called on the General when he visited London before returning to the States. We saw him at the "Castle and Falcon," Aldersgate street, where he put up; and I was assured by him, congratulatingly, that he had left my wife in good health. Her imprisonment, he told me, had been only for a few days; and this, he said, had occurred solely from a belief that I had confided to her keeping property belonging to the State. I then inquired more closely as to her having been brought prisoner, and her detention, and expressed my surprise at his being unaware of what had really taken place, observing that his account differed materially from that which had been given me by deserters from Lopez's camp, who had witnessed the treatment she had experienced.

He further gave me a watch guard-chain made of Mrs. Stewart's hair, and which, he stated, together with some lace, had been presented by my wife to Mrs. Lynch, but the watch chain that lady had requested him to hand over to me; I had, and have, my own suspicions as to the cause of this restoration. But I have no suspicion at all, on the contrary I have implicit belief, and unimpeachable testimony to back the belief, that, as respected my wife's imprisonment, he, to use a common saying, "lied like a trooper." No sooner had she been brought by command of Lopez to his headquarters, than her bullock wagon and its team were taken from her, she was placed in a common cart, with a sentry over her, and remained in this condition for six weeks, during which period one of our children died. So reduced was my wife that she had to part with her clothes in order to procure the commonest necessities, and of these she had been able to get sufficient just to keep body and soul together. Her state, when delivered by the allied forces, was such as to move to tears all who knew her, and her escape, her narrative of which was published in the Buenos Ayres papers, has been characterized as miraculous.

And now I ask, what must Mrs. Lynch be, who could allow such protracted suffering; what the heroic general who had eyes to see yet saw not? Eyes! and the general could not see (I have this fact from several eye-witnesses now in London) the emaciated wretches removed morning after morning from his door-steps, whither they had flocked for shelter and relief, removed lifeless or in the death agony. Why, as one walked through the camp, one could not avoid seeing the corpses of women, denuded of such apparel as they might have possessed, carried for interment by bearers of their own sex. From January to August, last year, I have been assured by parties on whose truth I can rely, and not I only, but whose evidence, when their names are made public, will obtain credence, that no fewer than one hundred thousand women and children perished in the Corderillas, to which they had been driven by the inhuman Lopez, and which McMahon states was a humane measure on the part of Lopez!

To another important point. The Hon. Henry Gether Worthington, late United States minister to the Argentine Republic, has stated that he was surprised on his meeting me first at the English ministry; then, on two other occasions, that I did not give vent to those opinions of mine respecting Lopez which I have since made known.

On my introduction to Mr. Worthington by the Hon. Mr. Stuart, I spoke unreservedly to him of Lopez and his fiendish acts, in the full belief that I was dealing with a man of honor. When I met him on subsequent occasions I was cautious and less communicative, having been informed that he was an enemy of Mr. Washburn's and a partisan of McMahon's. The same true and simple explanation which I have already given of the tone of my letters to Lopez and General McMahon applies to my conduct whilst at Buenos Ayres, and will, I hope, recover Mr. Worthington from his surprise. It will, I feel sure, go home to every manly and honest heart. My wife and children were in the tyrant's clutch. He had emissaries at the capital of the Argentine Republic—detectives, disguised as gentlemen, I may say on the watch for all opinions volunteered of him. I knew this, and whatever my confidence in and respect for others, my lips were sealed. The fate of my own ones hung trembling in the balance. A word from me might have sealed their doom.

WILLIAM STEWART, M. D.,

L. R. C. S., Edinburgh, late Inspector General of Hospitals in Paraguay.

LEGATION OF THE UNITED STATES,
London, December 9, 1869.

Personally appeared before me, on this ninth day of December, 1869, Dr. William Stewart, and made oath that the foregoing answers, written out by him to interrogatories, in conformity with the directions transmitted to me by the honorable Secretary of State, and duly read to him in my presence, are, to the best of his knowledge and belief, the truth.

[SEAL.]

JOHN LOTHROP MOTLEY,
*Envoy Extraordinary and Minister Plenipotentiary
of the United States at the Court of St. James.*

